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L A W S
OF THE
STATE OF NEW-YORK,
REVISED AND PASSED
AT THE
THIRTY-SIXTH SESSION
OF THE
LEGISLATURE,

WITH MARGINAL NOTES AND REFERENCES,

FURNISHED BY THE REVISORS,

WILLIAM P. VAN NESS & JOHN WOODWORTH, ESQUIRES;

Pursuant to the Act, entitled "An Act for Publishing the Laws of this State," passed April 13th, 1813.



[PUBLISHED BY AUTHORITY.]

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IN TWO VOLUMES.—VOL. II.

ALBANY:
PRINTED AND PUBLISHED BY H. C. SOUTHWICK & Co.,

No. 94, State-Street.

.....
1813.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

I DO hereby Certify, that HENRY C. SOUTHWICK is duly authorised and appointed to print and publish the Laws of the State of New-York, in pursuance of an Act of the Legislature of the said State, entitled "An Act for publishing the Laws of this State," passed April 13, 1813, and that according to the said act, the "laws so printed and published, shall be evidence in all Courts of Justice whatsoever."

(L.S.)

Given under my hand and seal of office, this fourth day of September, 1813.

JACOB RUTSEN VAN RENSSELAER, *Secretary.*

BY DANIEL D. TOMPKINS, Governor of the State of New-York—It is hereby Certified, that Jacob Rutzen Van Rensselaer is Secretary of the State of New-York, and that full faith and credit are due to his acts in that capacity.

(L.S.)

In testimony whereof, I have hereunto subscribed my name, and affixed the privy seal of the said State, at the City of Albany, the fourth day of September, 1813.

DANIEL D. TOMPKINS.

District of New-York, ss:

BE it remembered, that on the seventeenth day of May, in the thirty-seventh year of the Independence of the United States of America, H. C. SOUTHWICK & Co. of the said District, have deposited in this office the title of a Book, the right whereof they claim as proprietors, in the words following, to wit:

"LAWS OF THE STATE OF NEW-YORK, revised and passed at the thirty-sixth session of the Legislature, with marginal notes and references, furnished by the revisors, William P. Van Ness and John Woodworth, Esquires, pursuant to the act, entitled "an act for publishing the laws of this state," passed April 13th, 1813."

IN conformity to the act of the Congress of the United States, entitled "An act for the encouragement of Learning, by securing the copies of Maps, Charts and Books to the authors and proprietors of such copies, during the time therein mentioned." And also to an act, entitled "An act for the encouragement of Learning, by securing the copies of Maps, Charts and Books to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

THERON RUDD, Clerk

of the District of New-York.

LAWS

OF THE

STATE OF NEW-YORK.

CHAP. LXXXIII.—(R.L.)

An ACT regulating the Fees of the several Officers and Ministers of Justice within this State.

Passed April 9, 1813.

[K.&E. v. 2. 66.]

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That no officer or other person shall exact, demand or ask, or be allowed any greater or other fee or reward, for, or in respect of any service hereafter to be done or performed, than after the rate hereinafter specified, that is to say:

No greater or other fee or reward to be taken than the following.

In the Court for the Trial of Impeachments and the Correction of Errors, in Cases of Appeals from the Court of Chancery and the Court of Probates.

The Clerk's Fees.

For filing the papers and proceedings sent from the court of chancery or court of probates, fifty cents. clerk's fees.

Reading and filing every petition of appeal, twenty-five cents.

Reading and filing every answer to such petition, twenty-five cents.

Reading and filing every other petition, and every affidavit relating to an appeal, pending before the said court, twenty-five cents.

Filing every other paper relating to the appeal, ten cents, and reading the same, if required, ten cents.

Entering the respondent's appearance, (comprehending all the parties respondents) twenty cents.

Drawing every rule or order, for every ninety words, twenty cents.

Entering every rule or order, for every ninety words, ten cents.

Entering the default of the appellant or respondent in not appearing, or not answering as required, twenty cents.

Drawing every decree or sentence of affirmance, reversal or modification, for every ninety words, twenty cents.

Entering the decree or sentence of record, for every ninety words, ten cents.

Engrossing every remittitur, to be sent to the court of chancery or court of probates, for every ninety words, twelve cents.

LAWS OF NEW-YORK,

For affixing the seal to any process or proceeding of the court,
fifty cents.

Taxing every bill of costs, fifty cents.

Every certificate required of him, relative to any matter in
the cause, twenty-five cents; but no allowance to be made
for certifying a paper to be a copy, for the copying of
which the clerk is entitled to charge.

*In the Court for the Trial of Impeachments and the Correction
of Errors, in Cases of Writs of Error from the Supreme
Court.*

For reading and filing the writ of error, return and transcript,
forty cents.

Filing every affidavit, or other paper or proceeding in the
cause, twelve cents.

Entering the confession of a justice of the supreme court, of
the seal to the return, twenty cents.

Entering every rule, twenty cents.

Certified copy of a rule, twenty cents.

Entering every appearance or default of the plaintiff or de-
fendant in error, twelve cents.

Drawing every judgment of affirmance or reversal, (when
done by him) fifty cents.

Entering the same on record, twenty-five cents.

Engrossing every remittitur to be sent to the supreme court,
for every seventy-two words, ten cents.

Affixing the seal to any process or proceeding of the court,
fifty cents.

Taxing every bill of costs, fifty cents.

Every certificate required of him, relative to any matter in
the cause, twenty-five cents; but no allowance to be made
for certifying a paper to be a copy, for the copying of
which the clerk is entitled to charge.

And if the taxable costs accruing in the court for the trial of
impeachments and the correction of errors, are to be recovered
in the court below, to which the record shall be remitted, the
taxation thereof may be by the court of chancery, court of pro-
bates or supreme court, as the case may be, in the usual manner
of taxing costs in such court.

Cryer's Fees in the Court of Errors and Appeals.

Cryer's fees.

For each cause, whether on appeal or writ of error, forty cents.

In the Court of Chancery.

Master's Fees.

Master's fees.

For signing every summons, either for a witness or party to at-
tend him, twelve cents.

Copies of all charges and discharges brought before him, and
delivered to a party at his request, for every ninety words,
nine cents.

Scheduling all writings and accounts, to accompany a report
to the chancellor, for every ninety words, nine cents.

THIRTY-SIXTH SESSION.

For attendance at the time assigned for hearing, and adjourning the same, at request, or reasonable cause, one dollar.

Attendance and hearing every argument on exceptions, or taking an account, on an order of reference, made to him when litigated, three dollars.

Attendance and hearing every argument on exceptions, or taking an account on an order of reference to him, when he proceeds *exparte*, one dollar and fifty cents.

Drawing every report in pursuance of an order of reference to him, (exclusive of schedules) for every ninety words, twenty cents.

Copying the same, either to file or deliver to the parties, or either of them, for every ninety words, nine cents.

Attendance and settling his report after argument, if both parties attend and litigate the same, three dollars.

Examining into the circumstances of sureties, required in any case, and certifying his opinion to the chancellor, one dollar.

Inspecting and examining an infant or infants, who want guardians appointed; enquiring who is willing to become guardians, and their competency; the proposed security, and the competency thereof, and certifying the facts to the chancellor, three dollars—But when several apply by one petition, no additional charge to be made.

Taking the testimony and certifying the same, and his opinion thereon, to the court, in cases of adultery, five dollars.

Marking every exhibit produced before him, on taking an account, with the title of the cause, and signing the same, twelve cents.

Swearing a complainant to a bill, a defendant to an answer or plea, taking an affidavit or swearing a witness, twelve cents.

Taking an account of what is due on every mortgage, and the security accompanying the same, (if any) one dollar.

Drawing every advertisement or public notice of the sale of property to be sold by him, under a decree or order of the court, fifty cents.

Every copy of such advertisement, to be printed or posted up, twenty cents.

Attending at the time and place of the sale of property by him, and adjourning it at the request of the parties, for good cause, or by order of the court, one dollar.

Every deed of real estate, sold by him under a decree or order, when prepared by him at the request of the parties, five dollars.

Signing and acknowledging a deed for property, sold by him under a decree or order, when prepared by another person, one dollar and fifty cents.

Settling the form of a deed, to be executed under his direction by a third person, under a decree or order, one dollar and fifty cents.

Settling the form of an assignment of bonds, mortgages or other securities, to be assigned under a decree or order, one dollar and twenty-five cents.

LAWS OF NEW-YORK,

For drawing and engrossing such assignment, when done by him at the request of the parties, two dollars and fifty cents.

Perusing a bill or petition for an injunction, or *ne-exeat*, and allowing or refusing the writ, one dollar and twenty-five cents.

Superintending and certifying the payment of money, when paid under his direction, by a decree or order, two dollars : but no fee to be allowed for the payment of money arising from sales, by the master to a party in the suit, or into court.

Taking and reducing to form, in writing, every recognizance entered into before him, by order of the court, fifty cents.

Taxing every bill of costs, and reporting the amount taxed to the court, seventy-five cents.

Taking and drawing the acknowledgment or proof of a deed or mortgage, including the proof of the identity of the person or persons executing the same, thirty-seven and an half cents. Lease and release, or deed and defeazance, to be considered one deed.

And when a master is ordered to advertise property for sale, or for parties to come before him and prove debts or exhibit claims in newspapers, he shall be allowed the printers' bills, according to the usual rate of advertising in such papers, what he shall actually pay. And where monies are ordered to be put out by a master, and where an estate is sold by a master, under an order or decree, the chancellor to make such an allowance, by way of commission, as he shall judge reasonable.

And when a master shall take an account of an estate, or an administration thereof, or an account between parties in trade, or other account, under a decree or order, not coming within the foregoing cases; or when extra services shall be rendered in the foregoing cases, of taking and stating accounts, the chancellor may make such further allowance as, under the circumstances, may be just and reasonable.

The Register and Assistant Register's Fees.

Register and
assistant regi-
ster's fees.

For drawing all decrees, decretal and other orders and rules, for every ninety words, twenty cents. But no record, writing or other proceeding, to be therein recited in words or terms, shall be deemed part of the draft.

Entering the same in the minutes, for every ninety words, twelve cents.

Engrossing every decree to be signed by the chancellor, including orders, reports, and other proceedings inserted therein, for every ninety words, fifteen cents.

Entering in the minutes kept by the assistant register any decree, decretal or other order or rule, entered with the register and transmitted to the assistant register for that purpose; and in like manner entering in the minutes kept by the register any decree, decretal or other order or rule, entered with the assistant register and transmitted to the register for that purpose, for every ninety words, twelve cents.

THIRTY-SIXTH SESSION.

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- For examining and signing every final decree, and attending the chancellor with, and obtaining his signature to, the same, one dollar and fifty cents.**
- Reading every bill, answer or other pleading, report, petition, affidavit or other paper, read by him, twelve cents.**
- Filing every such bill, answer or other pleading, report, petition, affidavit or other paper filed with him, and marking the same as filed, and the time when, ten cents.**
- Marking every deposition, exhibit or other paper, read on a hearing, or motion as read, and the time when and by which party, ten cents.**
- Office copies of all decrees, decretal or other orders, rules, reports, petitions, affidavits and other papers or proceedings, for every ninety words, nine cents.**
- Every certificate of a fact or proceeding, given to any person on request, twenty cents; but no certificate to be allowed that a paper is a copy, for the copying of which he shall be entitled to pay.**
- Filing notes of the issue in each cause, and entering the cause in the paper for hearing, for the use of the court and the parties, twenty cents.**
- Entering every attachment, or attachment with proclamations, or other process awarded by the court, and of which the clerk issuing the same shall furnish him a note to be entered, twenty cents; but only one entry to be charged for each process, though against several persons.**
- Entering every amerciamment, twenty cents.**
- Entering every appearance upon process of contempt, when entered with him by order of the court, twelve cents.**
- Exemplifying under the seal of the court, every decree, decretal, or other order, pleadings or other proceedings, depositions or exhibits, for every ninety words, fifteen cents.**
- Searching the minutes or files of the court in his possession, for each year, ten cents; but no search to be allowed for, when the pleading, entry or proceeding searched for, is to be engrossed, or filed, or copied, at the request of a party, and paid for, or to perfect the proceedings of the court.**
- Filing every mortgage, under which the mortgaged premises shall have been sold by a master, including the certificates of proof or acknowledgment and registry or recording, and the assignment (if assigned) and entering the same in the alphabetical list, to be kept of such mortgages, fifty cents.**
- Entering the receipt of money, deposited in a cause, or paid into a court, to be put out, or for safe keeping, and placing the same in the bank, and having it entered in his bank-book and in his accounts with the court, one dollar and fifty cents.**
- Purchasing stock, and procuring a transfer thereof, and entering the same to the credit of the cause or the party, for a sum not exceeding two hundred dollars, one per cent, and for all beyond that sum, one quarter per cent.**
- Making a transfer of stock, by order of the court, two dollars.**
- Receiving the interest on stock, entering the same to the cre-**

dit of the cause or party, and placing it in bank, and causing it to be entered in his bank-book, one per cent.

For putting out money brought into the court, and put out by order of the court, on mortgage or other security other than by purchasing stock, and examining into the validity of the security, for every sum not exceeding two hundred dollars, one per cent; and for all beyond that sum, one quarter per cent.

Transferring a bond and mortgage, or other security for money put out, and not vested in stock, and entering the same in his accounts, two dollars, to be paid by the party to whom the transfer is made.

Paying interest to a party, entitled to receive the same by order of the court, and entering the same in his accounts, for a sum not exceeding two hundred dollars, one half per cent, and for all beyond that sum, one quarter per cent, to be retained out of the interest money.

For receiving the money for stock, paid off in whole or in part, placing the same in the bank, and having it entered in his bank-book, and in his account with the court, one dollar and fifty cents.

And for any other services relative to the receipt, safe keeping, putting out and paying or taking security for money, under the direction of the court, not herein provided for, such allowance and compensation, and from such of the parties as the chancellor may consider just, and allow from time to time.

The Clerk's Fees.

Clerk's fees. For sealing every writ, or process, twenty-five cents.

Drawing and engrossing every subpoena, including parchment, not containing more than four defendants, sixty-three cents, and for every additional defendant, ten cents.

Every attachment for not appearing and answering, or for not appearing or answering, not containing more than four defendants, sixty-five cents, and for every additional defendant, ten cents.

Drawing and engrossing all other writs and process, and commissions, for every ninety words, twenty cents, and for engrossing the same, for every ninety words, twelve cents.

Entering the defendant's appearance, if one defendant, only fifteen cents, and for every additional defendant who appears at the same time, and by the same solicitor, five cents.

Copies of all bills, answers, and other pleadings and proceedings, for every ninety words, ten cents.

Filing every bill, answer, or other pleading or paper, marking the same as filed, and the time when, and entering the same in his book, fifteen cents.

Every certificate of the filing of a paper, entering a rule or other fact, twenty cents; but no certificate to be charged that a paper is a copy, when a copy of the same is procured and paid for.

THIRTY-SIXTH SESSION.

For attending on striking or settling commissioners, fifty cents.

Entering every rule to produce witnesses, or to shew cause against publication, and giving notice thereof to the solicitor of the party against whom the rule is entered, thirty cents.

Entering the receipt of a notice of a rule to produce witnesses, or to shew cause against publication, and notifying the solicitor of the party against whom the rule is taken, twenty-five cents.

Searching the files or minutes kept by him, for every year, ten cents.

Receiving and entering the return of every commission, to take an answer or plea, or to take testimony, twenty-five cents.

Drawing and engrossing every writ of *capias ad satisfaciendum*, or writ of *feri facias*, two dollars.

Making and certifying every copy of a writ of injunction or *ne-exeat*, for every ninety words, ten cents.

Making and certifying every copy of a subpoena to be served, twelve cents.

Receiving and marking every book, deed, or paper, carried to his office by order of the court, or agreement of the parties, for inspection or safe keeping, twenty cents, and for attendance on every such inspection, fifty cents.

Attending a master with his rule-book or book of minutes, on the taxation of costs, when required, and actually performed, fifty cents.

Attending the court with the pleadings in any cause, when directed by the court or requested by the parties, or either of them, for each day's attendance, one dollar.

All the pleadings in one cause, filed with the same clerk, by the same solicitor, to be charged for together as one; and no allowance to be made for the clerk's attendance with the pleadings, unless he attends by order of the court, or request of the parties, and then only for as many days as he actually attends.

Every notice given to the solicitor of the party of the return of a commission, to take an answer or to take testimony, thirty cents.

And if the parties have joined in the commission, the solicitor of each party to be notified.

The Examiner's Fees.

For taking the examination of every witness, for every ninety words, twenty-five cents. Examiner's fees.

Making a fair copy for the witness to sign, for every ninety words, twelve cents.

Certifying every exhibit shewn to a witness on his examination, twenty-five cents.

Copies of all depositions, exhibits and interrogatories, when required, for every ninety words, twelve cents.

Administering an oath to each witness, or taking an affidavit, twelve cents.

For attending the court with the original depositions and exhibits, by order of the court, or request of the parties, or either of them, for every time he shall actually attend, one dollar.

Counsellor's Fees, in the Court for the Trial of Impeachments, and the Correction of Errors on Appeals, and in the Court of Chancery.

Counsellor's
fees.

For a retaining fee in the court for the trial of impeachments and the correction of errors, three dollars and seventy-five cents; but no retaining fees to be taxed for more than one counsel on the same side, in one cause, nor shall a retaining fee be allowed to the same person as counsel and solicitor in the same cause.

Perusing, amending and signing, every other petition of appeal, or answer to such petition, two dollars and fifty cents.

Perusing, amending and signing, every other petition to the court, in a case in which an appeal is pending, one dollar and twenty-five cents.

Perusing, amending and signing, every case made for the court, on an appeal, two dollars and fifty cents; but no such fees to be taxed for more than one counsel.

Perusing and amending or settling every decree, special order, or entry made by the court, in cases of appeal, one dollar and fifty cents; but no such fee to be taxed for more than one counsel.

Attending the court of appeals, to make or oppose a motion, or, for or against a petition, one dollar and twenty-five cents.

Arguing every special motion, or on petition in cases of appeals, two dollars and fifty cents.

Arguing every cause on an appeal, five dollars; but no allowance for more than one counsel on each side, and no fees for counsel in cases of appeal shall be taxed, but where counsel is actually employed and does the services.

A retaining fee in the court of chancery, three dollars seventy-five cents; but no retaining fee to be allowed for more than one counsel.

Perusing, amending and signing every bill, answer, plea, demurrer, suggestion, interrogatories and exceptions, two dollars and fifty cents.

Perusing and settling every petition or special application to the court, and every decree, or special order, one dollar and fifty cents.

Perusing, amending and settling, every case made for the court, on a hearing where a case is to be made by the rules of the court, two dollars and fifty cents.

Every common motion actually made before the chancellor, or for a rule or order to be entered of course, fifty cents.

Every special motion actually made before the chancellor, or for a rule or order, founded on cause shewn, one dollar and twenty-five cents.

For arguing every special motion, or on petition before the chancellor, or before a master on reference, two dollars and fifty cents; but no allowance to be made for more than one counsel on a motion or petition, or before a master.

Arguing every plea or demurrer, before the chancellor, five dollars.

Arguing upon every hearing of a cause set down for hearing, eight dollars; but no taxation in those cases for more than two counsel.

Every actual attendance before the court, to make or oppose a special motion, one dollar and fifty cents.

Solicitor's Fees in the Court for the Trial of Impeachments and the Correction of Errors on Appeals, and in the Court of Chancery.

For a retaining fee in every cause, three dollars.

Drawing a state of the case for counsel, preparatory to the drawing a bill, answer, plea or demurrer, two dollars and fifty cents.

Solicitor's
fees.

Attending counsel therewith, for his advice, one dollar and twenty-five cents.

Drawing every bill, answer, plea, demurrer, replication, exceptions, interrogatories, suggestions and other proceedings, not herein more especially described, for every ninety words, twenty cents.

Making fair copies thereof for the use of counsel, or the party, for every ninety words, nine cents.

Every engrossment or copy thereof, to file or exhibit to the court, for every ninety words, twelve cents.

Drawing summons, for a party or witness to attend a master, for every ninety words, twenty cents.

Copies to be signed by the master, for every ninety words, nine cents.

Attending a master to obtain his signature, to each summons for a party or witness to attend him, fifty cents.

Attending the chancellor with or upon a petition, when the same is argued or opposed, one dollar and twenty-five cents, and when not argued, seventy-five cents.

Attending upon every common motion, or upon entering a rule or order of course, fifty cents.

Attending upon every special motion, or upon entering any rule or order upon cause shewn, one dollar.

Attending upon the argument of every special motion, one dollar and twenty-five cents.

Attending the court of chancery, upon every hearing of a cause set down for hearing, for every day's actual attendance while the cause is in hearing, or when the attendance is on the notice of the other party for the purpose of hearing, one dollar and fifty cents.

Serving every summons of a master on a party, solicitor or witness, twenty-five cents.

Serving every rule or order, on the person to be served therewith, twenty-five cents.

- For serving a copy of interrogatories, or cross interrogatories, on the opposite party, fifty cents.
- Serving a notice of examining every witness by an examiner or commissioner, twenty-five cents.
- Giving instructions for the examination or cross examination of each witness, twenty-five cents.
- Serving a subpoena to appear and answer, or an injunction on the defendant in the cause, seventy-five cents.
- Every notice in writing to the clerk, to enter the defendant's appearance, twenty-five cents.
- Every notice that an appearance is entered, or answer, plea, demurrer, replication, exceptions or interrogatories, filed, thirty-eight cents.
- Making a note of the issue for the register, to set down a cause and serving the same, fifty cents.
- Every notice of hearing, when the cause is set down for that purpose, thirty-eight cents.
- Every notice of a motion or application to the court, fifty cents, and for a copy thereof to be read in court, thirty cents.
- Every other notice in writing, to the register, clerk, examiner, or to a party or solicitor, when notice is required to be given, thirty-eight cents, and for a copy thereof, when a copy is to be used, twenty cents.
- Attending counsel, for him to peruse and settle the decree or decretal order, one dollar and twenty-five cents.
- Attending register, with the draft of every decree, decretal order, or other order, or rule drawn by the solicitor, to have the same entered, fifty cents.
- Abbreviating every bill, answer, or other pleading or proceeding for the use of counsel, for every ninety words contained in the pleading or proceeding abbreviated, ten cents.
- Attending counsel with the same, fifty cents.
- Drawing a brief for counsel, on every special motion or petition, one dollar and fifty cents.
- Drawing a brief for counsel, for the hearing of a cause in court, or before a master on a reference, for every ninety words, twenty cents, and for copying the same, for every ninety words, six cents.
- Drawing every case for the hearing in the court of chancery, where a case is required, for every ninety words, twenty cents.
- And for every copy thereof for the chancellor, and for counsel concerned in the cause, nine cents.
- Drawing charges or discharges before a master, for every ninety words, twenty cents, and for every fair copy to be delivered to the master, or adverse party, for every ninety words, nine cents.
- Attending a master on an order of reference, or on a summons to attend him, when the matter is argued, one dollar and twenty-five cents, and when not argued, fifty cents.

For arguing before the master on any matter referred to him, two dollars and fifty cents.

Drawing every deed for real estate, sold by a master under a decree or order, in a cause in which he is the solicitor, eight dollars.

Drawing for the use of the master, a description of real estate to be sold by him, under a decree or order, and attending him therewith when required, one dollar and twenty-five cents.

Drawing every appeal, from a decree or decretal order of the court of chancery, and lodging the same with the register, seventy-five cents.

Attending counsel for his signature to the same, fifty cents.

A copy thereof to be left in the register's office, for the use of the chancellor, seventy-five cents.

Drawing a petition of appeal, or an answer to such petition, for every ninety words, twenty-five cents.

Engrossing the same to file, for every ninety words, fifteen cents; and for every copy for the use of counsel, or to deliver to the adverse party, for every ninety words, ten cents.

Attending each counsel with the same for perusal, and signature, seventy-five cents.

Drawing a case for the court of appeals, for every ninety words, twenty-five cents.

Making a fair copy thereof to be signed by counsel, for every ninety words, fifteen cents.

Attending each counsel concerned for perusal and signature, seventy-five cents.

Every fair copy for a printer to print the same, for every ninety words, ten cents.

Superintending the press, and correcting the proof sheet, five dollars.

Serving a copy on the chancellor, fifty cents.

Serving a copy on each of the justices of the supreme court, the president of the senate and senators, twenty-five cents.

For the expenses of printing, so much as shall be paid therefor.

Obtaining the remittitur, and attending the court of chancery therewith, for its decree or order thereon, one dollar.

Drawing costs for taxation, for every ninety words, twenty cents.

Copy of the bill, to be delivered to the opposite party before taxation, or to file after taxation, if before a decree, fifty cents, and if after a decree, one dollar.

Attending the master on the taxation of costs, if objections are made to the bill, one dollar, and if no objections are made, fifty cents.

And the solicitor is to be allowed in the taxation of costs, for all postages and other disbursements, actually and necessarily paid or incurred, in cases not specified.

Sergeant of the Court of Chancery's Fees.

Each Sergeant, for attending court in each cause heard at the place of his attendance, fifty cents; and for such other services

Fees of the
sergeant at
arms.

as he shall perform by order of the court, such compensation as the chancellor shall from time to time allow to be paid by the party, or in the manner the court may direct.

Fees for Services under the Act to perpetuate the Testimony of Witnesses in certain Cases.

For drawing depositions, for every ninety words, twenty-five cents, and for a fair copy thereof to be signed by the witness, for every ninety words, twelve cents.

An order for notice, to be given for every such examination, forty cents.

Every day's attendance upon such examination of witnesses, two dollars.

In the Supreme Court.

Fees of the several Recorders and Commissioners, authorised by law, or appointed to perform certain duties appertaining to the office of Chancellor and Judge of the Supreme Court.

For taking bail, thirty-seven and an half cents.

Allowing every writ of error, writ of privilege, *habeas corpus*, *procedendo*, *certiorari*, or prohibition, thirty-seven and an half cents.

Taking the acknowledgment of satisfaction out of court, thirty-seven and an half cents.

Taking the acknowledgment or proof of a deed or mortgage, thirty-seven and an half cents; a lease and release, to be considered as one deed.

Admitting an infant by guardian or next friend, twenty-five cents.

Taking the acknowledgment of a fine by *dedimus*, fifty cents.

Examining and signing the indentures of a fine, fifty cents.

Examining and signing the enrollments of the several parts of a fine, twenty-five cents for each roll.

Examining and signing the enrollments of a recovery, sixty-two and an half cents.

Examining and signing the exemplification of a fine, or recovery, sixty-two and an half cents.

Taking an affidavit, twelve and an half cents.

Taking an acknowledgment of a warrant of attorney, for levying a fine or suffering a recovery, or to prosecute or defend a real action, twenty-five cents.

Allowing a warrant of attorney in other cases, twelve and an half cents.

Every attendance at his chamber on motion, or on examining a witness, sixty-two and an half cents.

Every order, summons or certificate, upon the act concerning insolvent debtors, thirty-seven and an half cents.

Receiving every petition, two dollars.

Deciding the propriety of directing an assignment, two dollars, to be paid by the person presenting such petition, out of the insolvent's estate.

Signing the discharge, one dollar.

Commissioners fees in the city of New-York.

For every warrant, order, report or certificate, or appointment of trustees, upon the act relative to absconding or absent debtors, thirty-seven and an half cents.

Every order for examining a witness, thirty-seven and an half cents, and every other order when necessarily made, thirty-seven and an half cents.

A commissioner, for taking every affidavit, to be read in the supreme court, twelve and an half cents. Fee to other commissioners.

Signing a judgment, twenty-five cents.

Taxing every bill of costs, fifty-cents.

Counsel's Fees in the Court of Errors and Supreme Court.

For perusing and amending interrogatories, and every special pleading, entry and case, one dollar and twenty-five cents. Counsel's fees.

Assisting on special motions, one dollar and twenty-five cents.

Attending the court of errors, to make or oppose a motion, one dollar and twenty-five cents.

Trial of a cause, or arguing a demurrer, or a special verdict, or case, or in error, or attending, prepared for such trial or argument, in pursuance of notice, three dollars and seventy-five cents; but no costs shall be taxed for counsel in any case, but where counsel is actually employed, and then only for one counsel.

Attornies' Fees in the Court of Errors and Supreme Court.

For a retaining fee, three dollars and sixty-two and an half cents; but where several suits are brought upon one bond, note, or bill of exchange, no more than one retaining fee, shall be allowed, nor shall any retaining fee be allowed in any suit upon a bail bond, or to the defendant's attorney, upon confessing judgment on a bond, by virtue of a warrant of attorney. Attornies' fees.

Drawing a copy of a warrant of attorney, twelve and an half cents.

Every term, a term fee of sixty-two and an half cents, but no more than three to be allowed in any cause.

Drawing all process and returns, admissions of guardians, or next friends, all recognizance of bail, pleadings, adjournments, suggestions, special verdicts, demurrers to evidence, and all other necessary entries or proceedings in a cause, according to the course and practice of the court; records, bonds to prosecute, and affidavits, nineteen cents for each sheet, containing seventy-two words. But no record, writ, return, pleading, bond, covenant, or other writing, to be inserted *verbatim*, in *hæc verba*, shall be computed as any part of such draft. 2 John. Rep. 107.

Engrossing the same, including parchment when used, and computing all records, writs, returns, pleadings, bonds, covenants, and other writings, inserted therein, twelve and an half cents for each sheet, containing seventy-two words, except that for such engrossments, as were former-

ly used to be made on paper, there shall be allowed only six cents for each sheet.

For every necessary motion, sixty-two and an half cents; but no motion to be allowed upon judgment by confession by virtue of a warrant of attorney, when no suit is brought, either for entering the action or a rule to plead.

Every attendance before the court of errors, in order to make a motion, or to oppose a motion, sixty-two and an half cents.

Arguing every special motion, one dollar and twenty-five cents.

A fee on trial, inquest, or assessment of damages by the clerk, one dollar and fifty cents.

Drawing every *postea*, seventy-five cents.

Arguing demurrer, special verdict, case, or in error, three dollars and seventy-five cents.

Drawing a brief, and a copy or copies thereof, one dollar and twelve and an half cents.

Drawing up a judgment, seventy-five cents.

Entering the judgment on the roll, thirty-seven and an half cents.

Every notice, copy and service, on the opposite party, or his attorney, twenty-five cents.

Copy and service of notice of trial on the clerk, twenty-five cents.

Making a note of the issue for the judges, to be served on the clerk, with a copy of the notice of trial, and for copy and service, thirty-seven and an half cents.

Attendance on balloting, or striking a jury, or both, sixty-two and an half cents.

Attendance on examining a witness out of court, twenty-five cents.

Attendance on taxing a bill of costs, twenty-five cents.

Serving a certified copy of a rule, or a copy of a declaration, with a certified copy of a rule to plead, nineteen cents.

Copy of a bill of costs to be taxed, delivered to the opposite party, or his attorney, if before issue joined, or judgment, thirty-seven and an half cents; if after, seventy-five cents, and no more than one writ of execution shall be taxed in any case.

Fees of the Clerk of the Supreme Court, in Civil Causes.

Clerk's fees
in civil cases.

For sealing a writ, entering the same, filing the precipe, and entering on the docket, twelve and an half cents.

Filing a declaration, or other pleading, twelve and an half cents.

Entering an appearance or default, twelve and an half cents.

Entering every rule, not exceeding two folio of seventy-two words each, nineteen cents, and twelve and an half cents for each folio over.

A certified copy of a rule, not exceeding two folio of seventy-two words each, when required, twelve and an half cents, and nine cents for each folio over.

- For every report on assessment of damages, or on any reference made to him, one dollar.
- Every certificate given by him, twelve and an half cents.
- Entering every nonsuit, nineteen cents.
- Calling and swearing every jury, twenty-five cents.
- Entering the return of a writ, and filing the writ, twelve and an half cents.
- Filing a writ of error, *habeas corpus*, or *certiorari*, with the return thereof, twelve and an half cents.
- Swearing each witness, six cents.
- Swearing a constable to attend a jury, six cents.
- Reading every writing given in evidence, twelve and an half cents.
- Filing every roll, twelve and an half cents.
- Docketing a judgment, twenty-five cents.
- Taking a verdict, and entering the same in the minutes, nineteen cents.
- Entering a judgment, nineteen cents.
- Entering or filing a *retraxit*, or discontinuance, twelve and an half cents.
- Drawing and engrossing exemplifications of records, for each sheet containing seventy-two words, twelve and an half cents.
- Copies of records and pleadings, for each sheet containing seventy-two words, nine cents.
- Attending and striking a special jury, and delivering a copy of the panel to each party, seventy-five cents.
- Copies of records, to be returned upon writs of error, for each sheet containing seventy-two words, twelve and an half cents.
- Filing an affidavit, or other paper on request, nine cents.
- Entering satisfaction on record, nineteen cents.
- Searching the records in any one year, twelve and an half cents, and for every other year in which search is made, three cents.
- Searching for a judgment, six cents for every term in which such search is made.
- Entering confession of lease, entry and ouster, nineteen cents.
- Reading and entering a *postea*, twenty-five cents.
- Swearing each witness to a will, twelve and an half cents.
- Drawing the proof of wills and codicils, nineteen cents for each sheet containing seventy-two words.
- Recording a will or codicil, and the proof as by law directed, nineteen cents for each sheet containing one hundred and twenty-eight words, and for copies thereof when required, twelve and an half cents for every sheet containing one hundred and twenty-eight words.
- Examining and signing a note of a fine, twelve and an half cents.
- Examining and signing the indentures of a fine, thirty-seven and an half cents.
- For making, entering and endorsing each proclamation of a fine, thirty-seven and an half cents.

For attending and examining the enrollment of the several parts of a fine, sixty-two and an half cents.

Examining and signing and affixing the seal to the exemplification of a fine or recovery, sixty-two and an half cents.

Signing a judgment, twenty-five cents, and taxing every bill of costs, fifty cents.

Fees of the respective Clerks of the Circuit Courts and Sittings.

For entering in the judges' book every cause noticed for trial, twenty-five cents.

Filing every *nisi prius* record, twelve and an half cents.

Entering every rule, nineteen cents.

A copy of a rule, twelve and an half cents.

Entering confession of lease, entry and ouster, nineteen cents.

Calling and swearing a jury, twenty-five cents.

Swearing each witness, six cents.

Swearing a constable to attend a jury, six cents.

Reading every deed in writing given in evidence, twelve and an half cents.

Filing a plea or bill of exceptions, twelve and an half cents.

Copies thereof, for each sheet containing seventy-two words, six cents.

Taking and entering a verdict, nineteen cents.

A certified copy of the minutes of a trial, twenty-five cents.

Copies, if required, of original writings read in evidence on the part of the defendant, in cases of special verdict or demurrer to evidence, nine cents for every sheet containing seventy-two words.

Entering every nonsuit, nineteen cents.

Entering every appearance or default, twelve and an half cents, and two dollars and fifty cents in each cause noticed for trial, and not countermanded in due time, in lieu of all travelling charges, except in cases where the recovery shall be less than two hundred and fifty dollars; in which case no circuit or travelling fees shall be allowed.

Fees of the Clerk of the Court of Oyer and Terminer and General Gaol Delivery, and General Sessions of the Peace, in the City and County of New-York.

For entering an appearance, twelve and an half cents.

A subpoena, twenty-five cents.

Entering an order or rule of court, twenty cents.

A copy of an order or rule of court, twelve and an half cents.

Entering a *nolle prosequi*, or *cessat processus*, twenty cents.

Reading and entering an allowance of a pardon, twenty-five cents.

Swearing a witness, six cents.

Reading every paper given in evidence, twelve and an half cents.

Respiteing a recognizance, six cents.

Discharging a defendant by proclamation, twelve and an half cents.

Fees of the
clerks of the
circuits and
sittings.

Fees of the
clerk of the
court of oyer
and terminer
and general
gaol delivery
and general
sessions of
the peace in
New-York.

- For entering defendant's confession, twelve and an half cents.
 Entering or filing defendant's plea, twelve and an half cents.
 Entering an imparlance, twelve and an half cents.
 Taking a recognizance, thirty-seven and an half cents.
 Entering relinquishment of plea, twelve and an half cents.
 Taking and entering verdict, when for the defendant, twenty cents.
 Taking and entering special verdict, for each sheet containing seventy-two words, twenty cents.
 Copies of records, indictments, informations and pleadings, when required, for each sheet containing seventy-two words, nine cents.
 Entering allowance of habeas corpus, writ of error, or certiorari, and returning the same, fifty-six cents.

Sheriff's Fees in the Supreme Court.

For serving a writ, fifty cents.

Every mile, going only, six cents, to be computed, in the county of Pioga, from the house of Thomas Baker, in the town of Chemung. In the county of Washington, from the dwelling-house now or late of Peleg Bragg, in Argyle; but when any person is committed to the gaol of said county, on any suit or process, it shall be lawful for the sheriff to compute his milage from such gaol. In the county of Sullivan, from the place appointed by law for holding courts in said county. In the county of Madison, from the place where the court-house and gaol are built, or are directed to be built. In the counties of Saratoga, Delaware, Broome, Chenango, Seneca, Lewis, Essex, Onondaga, Otsego and Ontario, from the court-houses in the said counties respectively; and in every other county, from the sheriff's place of abode.

Sheriff's fees
 9 John. Rep.
 114, 328.

A bail bond, or a defendant's appearance endorsed, thirty-seven and an half cents.

Returning a writ, if served, twelve and an half cents.

Every demand of a defendant upon an exigent, and every proclamation upon a writ of proclamation, or in a real action, twelve and an half cents.

Summoning a jury, one dollar.

A copy of the panel of the jurors, twelve cents.

6 John. Rep.
 125.
 10 Ib. 93.

Serving an execution for, or under two hundred and fifty dollars, two cents and four mills per dollar; and for every dollar more than two hundred and fifty, one cent and two mills. The poundage on writs of fieri facias, and all other writs for levying monies, to be taken only for the sum levied.

Advertising goods or chattels, land or tenements, for sale on any execution, one dollar and eighty-seven and an half cents, to be recovered in like manner as his poundage; and half that sum if such execution be stayed or settled after advertising and before the sale: and no further sum shall be demanded for continuing such advertisement more than six weeks.

For serving a writ of possession or restitution, without the aid of the *posse comitatus*, one dollar and twenty-five cents; and with the aid of the *posse comitatus*, three dollars and seventy-five cents; and milage for every mile from the place fixed by law, six cents.

Every person committed to prison, thirty-seven and an half cents.

Discharging every person from prison, thirty-seven and an half cents.

Bringing up a prisoner by habeas corpus in civil causes, one dollar and fifty cents, and milage for every mile from the gaol, twelve and an half cents.

Executing a writ of enquiry, summoning the jury for that purpose, and returning the inquisition, one dollar and fifty cents.

Attending a view, one dollar and eighty-seven and an half cents per day; and going and returning, one dollar and twenty-five cents per day.

Attending with a prisoner before a judge, on his being surrendered by his bail, and for receiving the prisoner into custody, one dollar.

Summoning the jury to enquire of a forcible entry or detain-er, two dollars and fifty cents.

Copy of every writ when demanded, nineteen cents.

Serving an attachment against the estate of an absconding or absent debtor, so much as the judge who issued the warrant, shall certify to be reasonable.

Serving a notification, issued by the comptroller on any person to account for monies received to the use of the people of this state, the like fees as on serving common process; and all services done by them in their offices for the public, whether in the supreme court, or elsewhere, the like fees as are allowed for the like services in causes between private parties: *Provided*, That no sheriff shall be allowed any fee for the service or execution of any *mesne* process, returnable on the first day of any term, unless the same shall be returned during such term, nor on any such process returnable on any subsequent day of any term, unless the same shall be returned within twenty days after the return day.

The Cryer's Fees in the Supreme Court.

Cryer's fees. For calling every action, nine cents.

1 John. Rep.
312.

Ringin the bell, for each action in court, twelve and an half cents.

Calling the jury, twelve and an half cents.

Swearing a witness, six cents.

Making proclamation for the discharge of any person, nine cents.

Calling the plaintiff on a nonsuit, nine cents.

Calling the defendant on a default, nine cents.

Calling the defendant on a recognizance, nine cents.

Every proclamation upon a fine, nine cents.

The Jurors' Fees in the Supreme Court, Circuit Court and Sittings.

For every juror, for each action in which he is sworn, twelve and an half cents, if in the city and county of New-York, and in any other city or county, twenty-five cents. Jurors' fees.

Every juror coming to, and attending a view, and returning, seventy-five cents per day.

Every struck juror, or juror from a foreign county, coming to and attending at court, and returning, one dollar per day.

Fees to the Attorney-General.

For his services on occasions where he may attend on behalf of the people of this state, without the state of New-York, at the rate of five dollars and fifty cents per day, besides all charges for expenditures and disbursements necessarily incurred by him, in or about the prosecution or defence of any action, right or claim, in which the people of this state may be interested. Attorney-general's fees.

Fees to the District Attornies.

For drawing every precept and every indictment, including such as may be prepared by the direction of the grand jury, although afterwards not finally agreed to by them at the court of oyer and terminer and gaol delivery, and general sessions of the peace, nineteen cents for drawing per folio, and for engrossing, twelve and an half cents per folio. District attornies' fees.

Process of subpœna actually made out and issued, twenty-five cents; for every subpœna for process actually made out and issued to bring in the defendants, twenty-five cents on each indictment.

Arguing the matter where the defendant shall submit, one dollar and twenty-five cents.

Every trial, or arguing a demurrer, or in opposition to a motion in arrest of judgment in the court of oyer and terminer and gaol delivery, and general sessions of the peace, four dollars.

The proceedings in outlawry, twelve dollars and fifty cents for each defendant outlawed, and at the rate of fifteen cents per mile, to be computed from their respective places of residence, for going to and returning from each court they shall attend.

A transcript, certified into the court of exchequer, twenty-five cents for each defendant named therein.

Making up a record by order of a judge, nineteen cents for the draft, and twelve and an half cents for the copy, for each sheet containing seventy-two words, and the like compensation if made up at the instance of a defendant, but then to be paid for by such defendant.

And for their services at any court at which the attorney-general shall also attend, at the request of the person administering the government of this state, or a judge of the supreme court, five dollars for every day they shall so attend.

The Fees of the Judges of the Courts of Common Pleas and Mayor's Court.

Fees of the First Judge.

First judge's fees.

For a licence to an attorney, one dollar.

Signing a discharge under the insolvent act, one dollar.

Deciding on the propriety of directing an assignment, two dollars.

Receiving any petition, one dollar.

Fees of the Recorder in the several Mayor's Courts.

Recorder's fees.

For the first motion in every cause, seventy-five cents, to be paid at the time of issuing the first writ in such suit.

Fees to be divided among the Judges who are present when the Service is done.

Judges' fees.

For the first motion in every cause in the court of common pleas, thirty-seven and an half cents.

Admitting a person to practice as an attorney, one dollar and eighty-seven and an half cents.

Admitting a guardian on the act for the partition of lands, twenty-five cents.

Fees to be paid to the Judge, Mayor or Recorder, who does the Service.

Judges, etc. for particular services.

For admitting an infant by guardian or next friend, nineteen cents.

Taking bail in his own court, twenty-five cents—in the supreme court, thirty-seven and an half cents.

Taking acknowledgment of satisfaction out of court, twelve and an half cents.

Attending on shewing cause of action or other special matter out of court, twenty-five cents.

Taking an affidavit, twelve and an half cents.

Allowing a warrant of attorney, twelve and an half cents.

Taking and drawing acknowledgment or proof of a deed or mortgage, lease and release to be considered as one deed, thirty-seven and an half cents.

A certificate or order, concerning an insolvent debtor, thirty-seven and an half cents.

A warrant, order, report, certificate, or appointment of trustees, in pursuance of the act concerning absconding or absent debtors, thirty-seven and an half cents.

Signing a judgment, twelve and an half cents.

Taxing a bill of costs, twenty-five cents; but no judgment shall be signed, or taxation of costs made, by any assistant judge of any court.

Fees of the Justices of the Peace.

Fees of the justices of the peace.

For a precept to summon a jury, to enquire of a forcible entry or detainer, thirty-seven and an half cents.

Administering an oath, twelve and an half cents.

For swearing a jury to enquire of a forcible entry or detainer, twenty-five cents.

A precept to summon a jury to try a traverse of the force, thirty-seven and an half cents.

Swearing a jury to try the traverse, twenty-five cents.

Drawing a conviction of a forcible entry or detainer, one dollar.

A warrant of restitution, thirty-seven and an half cents.

A mittimus for a fine or forfeiture, nineteen cents.

A warrant against any person for a breach of the peace, or a misdemeanor, nineteen cents.

A bond or recognizance, twenty-five cents.

A summons upon a penal law, twelve and an half cents.

Drawing a conviction, thirty-seven and an half cents.

A warrant to levy a penalty, nineteen cents.

The Attornies' Fees in the Courts of Common Pleas and Mayor's Court.

For a retaining fee, two dollars and fifty cents; but where several suits are brought upon one obligation, note, or bill of exchange, no more than one retaining fee shall be allowed, nor shall any retaining fee be allowed in any suit upon a bail bond, or to the defendant's attorney upon confessing judgment on a bond, by virtue of a warrant of attorney.

Attornies' fees in the common pleas and mayor's courts.

A warrant of attorney, twelve and an half cents.

Drawing and copy of a plaint, nineteen cents.

Every necessary motion, twenty-five cents.

Drawing a declaration, one dollar and fifty cents.

Copy of a declaration, seventy-five cents.

Drawing a plea, twenty-five cents.

Copy thereof, twelve and an half cents.

Drawing all other pleadings or proceedings in a cause, according to the course and practice of the court, twelve and an half cents for each sheet containing seventy-two words; for a copy thereof, six cents for each sheet.

Drawing a writ of enquiry, and copy, one dollar and twelve and an half cents.

Drawing every notice of trial, copy and service, twenty-five cents.

Copy, and serving on the judge or judges, twelve and an half cents.

Drawing every other notice, copy and service, nineteen cents.

Drawing every brief, seventy-five cents.

Fee on trial, or for arguing demurrer, special verdict or case, or attending prepared for such trial or argument, in pursuance of notice, two dollars.

Argument of every special motion, one dollar.

Fee on inquest, or assessment of damages by the clerk, one dollar.

Attendance on a judge on examining a witness, or shewing cause of action, or to mitigate bail or other special matter, twenty-five cents.

For attendance on taxing costs, twenty-five cents.

Copy of a bill of costs, to be taxed for the opposite party or his attorney when required, twenty-five cents.

Drawing and copy of record of judgment, two dollars and twenty-five cents.

Fees of the Clerks of the Courts of Common Pleas and Mayor's Court.

Clerk's fees. For every writ of *capias*, entering the action and seal, twenty-five cents.

A bond given by the plaintiff to prosecute when necessary, twenty-five cents.

Copy of a declaration when required, thirty-seven and an half cents.

Copies of all other pleadings when required, six cents for each sheet of seventy-two words.

Filing every declaration, or other pleading or paper, six cents.

Entering a *retraxit*, or discontinuance or satisfaction, twelve and an half cents.

Entering every rule, not exceeding two folio of seventy-two words each, twelve and an half cents, and nine cents for each folio over.

Certified copy of a rule not exceeding two folio of seventy-two words each, when required, twelve and an half cents, and six cents for each folio over.

Attending the striking or balloting a jury, or both, and making a copy of the panel for each party, fifty cents.

Entering an appearance or default, six cents.

Entering the return of every writ, six cents, and filing the writ, six cents.

Drawing special bail, where he does it, twelve and an half cents.

Reading and entering allowance of *habeas corpus*, writ of error or *certiorari*, and for the return thereof, fifty cents.

A *venire*, or other jury process and seal, thirty-seven and an half cents.

A subpoena, twenty-five cents.

Calling a panel and swearing a jury, nineteen cents.

Swearing each witness on trial, six cents, and swearing a constable, six cents.

Reading every paper given in evidence, six cents.

Receiving and entering a verdict, twelve and an half cents.

Entering judgment, twelve and an half cents.

Sealing a writ of inquiry, nineteen cents.

Every report on assessment of damages, or on any reference made to him, one dollar.

Every certificate given by him, twelve and an half cents.

Drawing a jury, and making a panel at the instance of a sheriff, or other proper officer on jury process, seventy-five cents.

Making and returning a book of freeholders, for striking a jury, three dollars and seventy-five cents.

For an execution and seal, thirty-seven and an half cents.

Entering recognizance of bail on record, twenty-five cents.

Drawing and copy of a record of judgment, when done by him, two dollars and twenty-five cents; and for a copy, to be signed when the attorney makes the draft, seventy-five cents.

Searching the records in any one year, twelve and an half cents, and for every other year in which search is made, three cents.

Docketing a judgment, twelve and an half cents.

Filing a record, six cents.

Searching for a judgment in any one year, if done by the clerk, twenty cents, and in every other year in which such search is made, ten cents.

Swearing each witness to a will, or codicil, six cents.

Drawing the proof of wills or codicils, twelve and an half cents for each sheet of seventy-two words.

Recording deeds, wills and codicils, and the proof thereof required by law, or the power to sell in mortgages, nineteen cents for each sheet containing one hundred and twenty-eight words; and for copies thereof when required, twelve and an half cents for every sheet of one hundred and twenty-eight words.

Entering or registering each mortgage, one dollar.

Entering satisfaction on every mortgage, twenty-five cents.

The Sheriff's Fees in the Courts of Common Pleas and Mayor's Court.

For serving a writ, thirty-seven and an half cents—milage to be computed as in the supreme court, six cents per mile. Sheriff's fees.

Every bail bond, thirty-seven and an half cents.

Returning a writ, if served, nine cents.

Summoning a jury, seventy-five cents.

A copy of the panel of the jurors, twelve cents.

Attending a view, one dollar and twenty-five cents per day, and going and returning, one dollar per day.

Every demand of a defendant upon an exigent, and every proclamation on a writ of proclamation, or in a real action, twelve and an half cents.

Serving an execution for or under two hundred and fifty dollars, six cents; for every two dollars and fifty cents more, three cents; the poundage on writs of fieri facias, and all other writs for levying money, to be taken only on the sum levied.

Serving a writ of possession or restitution, with the aid of the *posse comitatus*, two dollars and fifty cents, and without such aid, one dollar and twenty-five cents; and milage, going only, for every mile from the place fixed by law, six cents.

Every person committed to prison, thirty-seven and an half cents.

Discharging every person from prison, thirty-seven and an half cents.

For executing a writ of inquiry, summoning the jury for the purpose, and returning the inquisition, one dollar and fifty cents.

Attending with a prisoner before a judge, on his being surrendered by, or in discharge of his bail, and receiving the prisoner into custody, fifty cents.

Copy of every writ when demanded, twelve and an half cents.

Serving an attachment against the estate of an absconding or absent debtor, so much as the judge who issues the warrant shall certify to be reasonable: *Provided*, That no sheriff shall be allowed any fee for the service or execution of any *mesne* process, returnable on the first day of any term, unless the same shall be returned during such term, nor on any such process, returnable on any subsequent day of any term, unless the same shall be returned within twenty days after the return day.

The Crier's Fees in the Courts of Common Pleas, Sessions and Mayor's Courts.

Crier's fees. For calling every action, nine cents.

Calling a jury, twelve and an half cents.

Calling and swearing a witness, six cents.

Ringing the bell, for every action, nine cents.

Calling a defendant, six cents.

Calling a plaintiff on a non suit, six cents.

Making proclamation for the discharge of any person, six cents.

Calling any person on recognizance, six cents.

The Jurors' Fees in the Common Pleas and Mayor's Courts.

Jurors' fees. For every juror sworn in each action in the mayor's court of the city and county of New-York, twelve and an half cents; and in any other court of common pleas or mayor's court, twenty-five cents.

Each juror attending a view, fifty cents per day.

Every struck juror, seventy-five cents per day.

The Coroner's Fees.

Coroner's fees. For the view of each body, taking and returning the inquisition, ten dollars.

Drawing every subpœna or warrant, twenty-five cents.

Drawing every summons for a jury, thirty-seven and an half cents.

Swearing every witness, six cents.

Taking every recognizance, twenty-five cents, and each coroner shall moreover be allowed all reasonable and necessary expenses, incurred by him for removing any dead body to the place for taking such inquest, and for the use of any house or building in which the same shall be taken.

Serving writs in all cases, the like fees as are herein before allowed to the sheriff for the like services; and the fees of the coroner, for taking inquests in each county, shall

be certified by at least two of the supervisors, and paid by the treasurer of the county, and in the city of New-York, the same shall be paid in the same manner as the other contingent charges in the said city are directed to be paid.

The Constable's Fees.

For serving a warrant, nineteen cents.

Constable's fees.

Serving a summons, twelve and an half cents.

Serving a warrant of distress for rent, one dollar and fifty cents; making an inventory on such distress, and draft of notice, and as many copies as may be necessary, one dollar; travelling fees, per mile, six cents; fees for levying and selling, for each dollar, two cents, or for levying only, for each dollar, one cent: *Provided*, That this shall not extend to the city of New-York.

Milage for every mile, going only, six cents.

Levying a fine or penalty, to the amount of two dollars and fifty cents or under, twelve and an half cents, and on all sums above two dollars and fifty cents, at the rate of twelve and an half cents on every two dollars and fifty cents.

Taking a defendant into custody on a *mittimus*, twelve and an half cents.

Conveying a person to gaol, twelve and an half cents, if within one mile, and for every mile more, going only, six cents.

Fees of the Court of Probates.

For administering an oath, twelve and an half cents.

Drawing the proof of a will, or codicil, nineteen cents for each sheet containing one hundred and twenty-eight words. Judge's fees.

The probate of a will, and the letters testamentary thereon, or letters of administration, nineteen cents for each sheet of one hundred and twenty-eight words.

Affixing the seal to the same, seventy-five cents.

Drawing and copying of bond, on granting letters of administration, fifty cents.

Recording wills, codicils, and the proof thereof and letters testamentary, and letters of administration, nineteen cents for each sheet containing one hundred and twenty-eight words.

Entering and filing a *caveat*, nineteen cents.

A citation to witnesses, or for any other purposes, including the seal, seventy-five cents.

Taking, and entering, and filing a renunciation, thirty-seven and an half cents.

Filing an inventory, twelve and an half cents.

Searching the records in his office, in any one year, twelve and an half cents, and for every other year in which such search is made, six cents.

Filing a petition, twelve and an half cents.

Making and entering every order, seventy-five cents.

Taking depositions, nineteen cents for each sheet containing one hundred and twenty-eight words.

For copies of all records, depositions, or other proceedings when required, twelve and an half cents for each sheet, containing one hundred and twenty-eight words.

Every decree or sentence, in suits for legacies or distributions, or order for the sale of any real estate, three dollars and seventy-five cents.

An execution, one dollar and twenty-five cents.

Hearing and determining where a will or administration is contested, or upon appeal, two dollars and fifty cents.

The seal to exemplifications, seventy-five cents.

The Fees of the Surrogates.

Surrogate's
fees.

For administering an oath, twelve and an half cents.

Drawing the proof of a will, or codicil, or the appointment of a guardian, nineteen cents for each sheet containing one hundred and twenty-eight words.

The probate of a will, and letters testamentary thereon, or letters of administration, or making a copy of the appointment of guardian, nineteen cents for each sheet containing one hundred and twenty-eight words.

The seal to the same, seventy-five cents.

The bond upon granting letters of administration, or the appointment of a guardian, fifty cents.

Recording wills, codicils, and the proof thereof, and letters testamentary, and letters of administration or appointment of guardian, nineteen cents for each sheet containing one hundred and twenty-eight words.

And whenever any will shall be made in any other than the English language, and proved and recorded, the surrogate or judge of the court of probates, as the case may require, shall be entitled to receive, in addition, twelve and an half cents for every hundred and twenty-eight words of a translation of such will.

For every allowance or appointment of a guardian, one dollar and fifty cents.

Entering and filing a *caveat*, nineteen cents.

Filing every petition for the sale of any real estate, twelve and an half cents.

Making and entering every order thereon, seventy-five cents.

Every decree or order for the sale of any real estate, three dollars and seventy-five cents.

A citation for witnesses, or any other purpose, including the seal, seventy-five cents.

Taking, entering and filing a renunciation, thirty-seven and an half cents.

Filing an inventory, twelve and an half cents.

Searching the records in his office for any one year, twelve and an half cents, and for every other year in which such search is made, six cents.

Taking depositions, nineteen cents for each sheet containing one hundred and twenty-eight words.

Copies of records or depositions, when required, twelve and an half cents for each sheet containing one hundred and twenty-eight words.

For hearing and determining where a will or administration is contested, two dollars and fifty cents.

The seal to exemplifications, seventy-five cents ; but no fee shall be demanded or taken by any surrogate, in any case where it shall appear to him, by the oath of the person applying for letters testamentary or of administration, that the goods, chattels and credits of the testator or intestate, do not exceed the value of thirty-seven dollars and fifty cents.

Witnesses Fees in the several Courts, and the Charges of summoning them.

For each witness, attending in his county, twenty-five cents per day.

Witnesses fees
in the several
courts.
6 John. Rep.
330

Attending from a foreign county, and coming and returning, fifty cents per day.

The judge of the court of probates, the secretary of the state, or any clerk or surrogate, attending on subpœna, with wills, records, or other written evidence, one dollar and twenty-five cents per day.

Every surveyor, for going to, and returning from a view ; and for going to, attending at, and returning from, the trial, one dollar and twenty-five cents per day ; and for his actual service on the view, two dollars and fifty cents per day.

Serving a subpœna on each witness, twelve and an half cents.

Serving a
subpœna.

Fees to be paid to the Secretary, who shall keep an account of such Fees, and exhibit the same quarter yearly to the Comptroller of this State ; who shall examine and file the same in his office, and certify the amount thereof to the Treasurer ; and the said Secretary shall pay the same to the Treasurer.

For entering a *caveat*, twelve and an half cents.

Searching the records in his office for any one year, twelve and an half cents, and for every other year in which such search is made, six cents.

Secretary's
fees.

Copies of records, twelve and an half cents for each sheet containing one hundred and twenty-eight words.

Recording, for every sheet containing one hundred and twenty-eight words, nineteen cents.

Engrossing exemplifications of records, for each sheet, containing one hundred and twenty-eight words, nineteen cents.

Affixing the seal to exemplifications, three dollars.

Each certificate of the secretary, to be read in a court of justice, one dollar.

Every certificate of the secretary for other purposes, nineteen cents.

Registering every mortgage, exclusive of recording the power, if any, to sell, one dollar.

For every patent for lands, for a single lot, the sum of one dollar; for each patent for more than one, and less than four lots, the sum of one dollar and fifty cents; for each patent for more than three, and less than nine lots, the sum of two dollars for each patent; for more than eight lots, the sum of three dollars; and for each patent for lands lying under water, five dollars.

Clerk's fees where plaintiff recovers only common pleas costs in the sup. court.

II. *And be it further enacted*, That in all actions commenced in the supreme court of this state, wherein the plaintiff shall recover a sum that entitles such plaintiff to recover no more or other costs than he would have been entitled to if such action had been prosecuted and determined in any court of common pleas in this state; and in all cases where the sum actually due any plaintiff, in suits commenced in the said supreme court, shall not exceed two hundred and fifty dollars, it shall not be lawful for the clerks of the supreme court, the clerks of the circuit courts, and the clerks of the sittings in the cities of New-York and Albany, to demand or receive any other or greater fees, than would be allowed if such actions had been prosecuted and determined in any court of common pleas.

Fees for administering oaths.

III. *And be it further enacted*, That no person empowered to administer oaths, shall demand or take any fee for administering the oath of allegiance, or oaths of office to the members of the legislature; nor more than twenty-five cents for administering such oaths to any other officer.

Persons acting in two capacities not to have fees in both for the same service.

IV. *And be it further enacted*, That whenever the same person shall act as attorney and counsel, or as solicitor and counsel in the same cause, he shall not be entitled for the same service to fees, both as counsel and attorney, or as counsel and solicitor, but shall be allowed the fees of counsel only, in the courts of common law and chancery, for the particular service done as counsel, and the fees of an attorney or solicitor only, for the particular service done as attorney or solicitor.

Penalty for taking greater fees than are allowed by this act.

V. *And be it further enacted*, That if any person shall knowingly or wilfully exact, or compel any person to pay for any of the services aforesaid, any other or greater fee, sum of money, or reward, than is herein before allowed for the same, every such person, upon conviction thereof, either at the suit of the party grieved, or upon information or indictment, shall pay to the party grieved, treble damages; and such fine to the people of this state, as the court in which such conviction shall be had, shall think proper to impose; and shall also, if an officer, forfeit and lose his office.

1 Caines' Rep 431

Former acts repealed.

VI. *And be it further enacted*, That all former acts, regulating the fees of the said several officers and ministers of justice shall be, and the same are hereby repealed.

Compensation to committee for examining treasurer's accounts.

VII. *And be it further enacted*, That the committee to examine the accounts of the treasurer be severally allowed at and after the rate of three dollars per day, for every day they shall be employed in that business.

CHAP. XXXIX.—(R.L.)

An ACT to divide this State into Counties.

Passed March 26, 1813.

[*Vote the references in the table which follows this act.*]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the said state shall be and hereby is divided into forty-seven counties, to be called by the names of New-York, Suffolk, Queens, Kings, Richmond, Westchester, Putnam, Rockland, Orange, Dutchess, Columbia, Delaware, Sullivan, Ulster, Greene, Rensselaer, Washington, Warren, Essex, Clinton, Franklin, St. Lawrence, Saratoga, Schenectady, Albany, Montgomery, Schoharie, Otsego, Herkimer, Chenango, Madison, Onondaga, Oneida, Jefferson, Lewis, Cortland, Cayuga, Seneca, Broome, Tioga, Steuben, Ontario, Genesee, Niagara, Allegany, Cattaraugus and Chataaugue.

This state divided into 47 counties.

Names of the counties.

II. *And be it further enacted,* That the extent and limits of the said several counties shall be as follows: The county of New-York to contain the islands called Manhattan's island, Great-Barn island, Little-Barn island, Manning's island, Nutten island, Bedlow's island, Bucking island, and the Oyster islands, and all the land under the water within the following bounds: beginning at Spyten Duyvel creek, where the same empties itself into the Hudson's river on the Westchester side thereof, at low water mark, wherever the same now is or hereafter may be, and so running along the said creek, at low water mark as aforesaid, on the Westchester side thereof, unto the east river or Sound, and from thence to cross over to Nassau island, to low water mark there as aforesaid, including Great-Barn island, Little-Barn island, and Manning's island, and from thence along Nassau island shore, at low water mark as aforesaid, unto the south side of the Redhook, and from thence across the north river so as to include Nutten island, Bedlow's island, Bucking island, and the Oyster islands to low water mark on the west side of Hudson's river, or so far as the bounds of this state extend there, and so up along the west side of Hudson's river at low water mark, or along the limits of this state until it comes directly opposite the first mentioned creek, and thence to the place where the said boundaries first began.

Limits of New York county

The county of Suffolk to contain all that part of this state bounded easterly and southerly by the Atlantic ocean, northerly by the sound, and westerly by Lloyd's Neck, or Queen's village, Cold Spring harbor, and the east bounds of the township of Oyster Bay, and the same line continued due south to the Atlantic ocean, including the Isle of Wight, now called Gardner's island, Fisher's island, Shelter island, Plumb island, Robins' island, Ram island, and the Gull islands.

Suffolk.

The county of Queens to contain all that part of this state, bounded easterly by Suffolk county, southerly by the Atlantic ocean, northerly by the sound, and westerly by the west bounds of the townships of Newtown and Jamaica, including Lloyd's Neck or

Queens.

Queens village, and the islands called the Two Brothers, and Hallet's island, and all the islands in the Sound opposite to the said bounds and southward of the main channel.

Kings.

The county of Kings to contain all that part of this state, bounded easterly by Queen's county, northerly by the county of New-York, westerly partly by Hudson's river and partly by the ocean, and southerly by the Atlantic ocean, including Coney island and Barren island; and that the island on which the said three counties last mentioned are situated, shall continue to be called and known by the name of Nassau island.

Richmond.

The county of Richmond to contain all Staten island, Shooter's island, and the islands of meadow on the west side thereof.

Westchester.

The county of Westchester to contain all that part of this state bounded southerly by the Sound, easterly by the boundary line between this state and the state of Connecticut, northerly by the north bounds of the manor of Cortlandt, and the same line continued east to the boundary line between this state and the state of Connecticut, and west to the middle of Hudson's river, and westerly by a line running from thence down the middle of Hudson's river until it comes opposite to the bounds of the state of New-Jersey on said river, then west to the same, then southerly along the east boundary line between this state and the state of New-Jersey to the line of the county of New-York, and then along the same easterly and southerly to the Sound or East river, including Captain's island, and all the islands in the Sound to the east of Frog's Neck, and the northward of the main channel.

Putnam.

The county of Putnam to contain all that part of this state bounded south by the county of Westchester, easterly by the boundary line between this state and the state of Connecticut, northerly by a line beginning in the middle of Hudson's river west of the southwesternmost end of Break-Neck hill, thence east to the southwesternmost end of said hill, thence north fifty-two degrees east, to the north bounds of the lands granted to Adolph Philipsie, thence along the same east to the east bounds of the state, and westerly by the middle of Hudson's river.

Rockland.

The county of Rockland to contain all that part of this state, bounded southerly and southwesterly by the line of the county of Westchester where the same crosses Hudson's river, and the division line between this state and the state of New-Jersey, easterly by the middle of Hudson's river, and northerly and northwesterly by a line drawn from the middle of the said river west to the mouth of Poplopen's kill, and from thence on a direct course to the east end of the mill-dam, now or late of Michael Weiman, across the Ramapough river, and from thence a direct course to the twenty mile stone, standing in the said division line between this state and the state of New-Jersey.

Orange.

The county of Orange to contain all that part of this state, bounded easterly by the middle of Hudson's river, southerly by the said county of Rockland, and the division line between this state and the state of New-Jersey, westerly by the river Mon-gaap, and the division line between this state and the common-wealth of Pennsylvania, and northerly by a line drawn from a point in the middle of said Hudson's river, opposite the northeast

corner of a tract of land, granted to Francis Harrison and company, called the five thousand acre tract, to the same northeast corner, and running from thence westerly along the north bounds of the same tract, and the north bounds of another tract granted to the said Francis Harrison, to the tract of land commonly called Wallace's tract; then along the lines of the same northerly and westerly, to the northeasterly bounds of a tract of land granted to Jacobus Kip, John Cruger, and others, commonly called Kip and Cruger's tract; thence westerly along the northeasterly and northerly bounds thereof, to the northwest corner thereof; and then westerly to the northeast corner of a tract of three thousand five hundred acres of land, granted to Rip Van Dam, and others; thence southerly along the same to the northeast corner of a tract of three thousand acres, granted to Henry Wileman, and running thence along the north bounds thereof, to the Paltz river, commonly called the Wallkill; then southerly up the said river to the south-east corner of a tract of four thousand acres of land, granted to Gerardus Beekman, and others; then westerly and northerly along the southerly and westerly bounds thereof, to the north-east corner thereof, and then north-westerly along the north bounds of the land granted to Jeremiah Schuyler, and company, to the middle of the Shawangunk-Kill; thence south-westerly through the middle of said kill, to the north part of the farm, now, or late in the occupation of Joseph Wood, junior, thence west to the said river Mongaap.

The county of Dutchess to contain all that part of this state, bounded easterly by the east bounds of this state, southerly by the county of Putnam, westerly by the counties of Orange and Ulster, and northerly by a due east line drawn from the south bank of the Sawyers-Kill, on the west side of Hudson's river, continued due east till it meets with a line settled and established between Robert R. Livingston and Zachariah Hoffman, deceased, and others, as their mutual boundary, so far as it respected them individually; and thence along the same as far as it runs; and thence the same course continued, to the southernmost bend of Roeloff Jansen's Kill; and thence along the south and east line of the manor of Livingston, to the division line, between this state and the commonwealth of Massachusetts, including the whole of the oblong to the northward of the county of Putnam.

Dutchess.

The county of Columbia to contain all that part of this state, bounded southerly by the county of Dutchess, westerly by the middle of Hudson's river, with such variations as to include all islands nearest to the east bank of said river, northerly by an east line from the southernmost part of Bearen island, in Hudson's river; to the eastern bounds of this state, and easterly by the county of Dutchess, and the said eastern bounds of this state.

Columbia.

The county of Delaware to contain all that part of this state, bounded as follows: beginning on the east bank of the Delaware river, at the most southerly corner of lot number twenty-eight, in the sub-division of great lot number two in the Hardenbergh patent; then north sixty-two degrees east, to the south-westerly bounds of great lot number eight, in the said patent; running

Delaware.

thence on a course north forty degrees east, to the south-westerly bounds of lot number five, in the sub-division of great lot number eight aforesaid; thence the same course continued twenty-four chains, and from thence on a straight line to a point where the said first mentioned line continued, crosses the north-easterly bounds of lot number six, in the sub-division of the said great lot number eight, thence along the said first mentioned line continued to the north-east bounds of great lot number eight, then along the bounds of the said lot number eight, north-westerly to the south-west corner of lot number twenty in the said patent, then north-easterly along the division line between lots number nineteen and said lot number twenty, and that line continued until it intersects the line formerly run from the head of Kaater's creek, where the same issues out of the southerly side or end of a certain lake or pond lying in the blue mountains, to the lake Utsay-antho, then along the said line, and the south bounds of the county of Schoharie, to the Charlotte or Adegatengie branch of the Susquehannah river, then down the middle of the waters thereof to the Susquehannah river, then down the middle of the waters thereof to the line of property, then southerly along the said line of property to the Delaware river, then down the waters thereof and along the division line between this state and the commonwealth of Pennsylvania to the place of beginning.

Sullivan.

The county of Sullivan to contain all that part of this state, bounded as follows: beginning on the east bank of the river Delaware, at the most south-easterly corner of lot number twenty-eight, in the sub-division of great lot number two, in the Hardenbergh patent, thence down said river along the division line between this state and the commonwealth of Pennsylvania, to where the river Mongaap falls into the Delaware river, thence up and along the said Mongaap river until an east course will strike the Shawangunk kill, at the north bounds of the farm now or lately occupied by Joseph Wood, junior, then east to the middle of the said Shawangunk kill, then down along the said middle to the mouth of the Plattekill, then up along the same to the southerly bounds of the patent of Rochester, and running thence along the same north forty-nine degrees thirty minutes west, twelve miles and an half, then north forty degrees east, till it intersects a line run north fifty degrees west, from the mile stone number twenty, standing on the west side of the public highway, leading from Kingston to Mamakating, thence in a direct line to the intersection of a south-westerly continuation of the west bounds of a lot in the Hardenbergh patent, now or late belonging to Johannah Livingston, with the division line between great lots number five and six, in the said patent, then along the said division line north-westerly to a line run by order of the surveyor-general, north sixty-two degrees east, from the place of beginning, then south sixty-two degrees west, along the said line to the place of beginning, and the east bounds of the commonwealth of Pennsylvania.

Ulster.

The county of Ulster to contain all that part of this state, bounded northerly by a line beginning where the easterly bounds of the county of Delaware intersects the north-easterly bounds

of great lot number eight in the Hardenbergh patent, thence south-easterly along the said line until it intersects the line run by Jacob Trembour, junior, in the year one thousand eight hundred and eleven, for the division line between the counties of Ulster and Greene, thence along the last mentioned line easterly to the west bounds of the township of Kingston and manor of Foxhall, thence along the west and north bounds thereof to Hudson's river, and then due east to the middle of said river, easterly by the middle of Hudson's river, southerly by part of the north bounds of the county of Orange, south-westerly by the county of Sullivan, and north-westerly by part of the south-easterly bounds of the county of Delaware.

The county of Greene to contain all that part of this state, Greene. bounded southerly by the county of Ulster and part of the county of Delaware, easterly by the middle of Hudson's river, north and north-westerly by a line drawn west from the southernmost part of Bearen island in said river, to the south-west corner of the manor of Rensselaerwyck, and a line drawn from thence to the place where the line formerly run from the head of Kaater's creek, issuing out of the southerly side or end of a certain lake or pond lying in the blue mountains, to a small lake called Ut-sayantho, intersects the Schoharie creek, and westerly by the said county of Delaware.

The county of Rensselaer to contain all that part of this state, Rensselaer. bounded southerly by the county of Columbia, westerly by a line drawn through the middle of the main stream of Hudson's river, with such variations as to include the islands lying nearest to the east bank thereof, northerly by a line beginning at the mouth of Lewis's creek or kill, and running from thence south eighty-four degrees east to the division line between this state and the state of Vermont, and easterly by the eastern bounds of this state.

The county of Washington to contain all that part of this state, Washington. bounded southerly by the county of Rensselaer, easterly by the east bounds of this state, northerly by a due west line drawn from the east bounds of this state, so as to strike Lake George in a range with the most westerly point of the rock commonly called Rogers' Rock, situate on the west side of Lake George, westerly by the county of Warren and the middle of Hudson's river, from where it leaves the south-east corner of the county of Warren, until it meets the north bounds of the county of Rensselaer, with such variations as to include all islands lying nearest to the east bank of said river.

The county of Warren to contain all that part of this state, Warren. bounded northerly by a line running a due west course from the north-west corner of the county of Washington, so as to strike the most northerly point of the rock commonly called Rogers' rock, situate on the west side of Lake George, and continued due west until it intersects a line drawn from the Mohawk river, where the north-east corner of the tract of land granted by letters patent to George Ingoldsby, and others, touches the said river north one degree and twenty-five minutes west, as the same has been lately run by order of the surveyor-general, westerly by

the line last mentioned, until it intersects a west line drawn from Fort George, near Lake George, and by the line last mentioned, until it strikes the north branch of Hudson's river and by the middle of the said branch, and of the main stream of the said river, until it reaches the south-east corner of the town of Queensbury on said river, with such variations as to include all islands lying nearest to the east bank of said river, easterly by a line beginning at the south-east corner of the said town of Queensbury, thence north along the east line of Queensbury to the waters of Lake George, thence northerly along the west line of the towns of Fort Anne and Putnam to the north bounds of the county.

Essex.

The county of Essex to contain all that part of this state, bounded southerly by the counties of Washington and Warren, easterly by the east bounds of this state, westerly by the west line of the counties of Saratoga and Warren, continued to Macomb's purchase; thence along the south bounds thereof, to the south-east corner thereof, and thence along the east bounds thereof to a point opposite to the south line of a tract of three thousand six hundred acres of land, granted to Matthew Adgate, northerly by a line drawn east from the said point to the south line aforesaid, until it intersects the great river Ansable; thence by the said river along the north bank thereof, to the forks of said river; thence by the south branch of said river along the north bank thereof to Lake Champlain; and thence by a due east line to the east bounds of this state.

Clinton.

The county of Clinton to contain all that part of this state, bounded southerly by part of Essex county, easterly by the east bounds of this state, northerly by the north bounds of this state, and westerly by a line beginning at the place where the division line between number six and seven of the old military townships intersects the boundary line between this state and Canada, and running from thence southerly along the east line of numbers seven, eight, nine, ten and eleven of the old military townships aforesaid, to the north line of the county of Essex.

Franklin.

The county of Franklin to contain all that part of this state, bounded as follows: beginning in the boundary line between this state and Canada, at the place where the division line between numbers six and seven of the old military townships intersects it, and running thence southerly along the west bounds of the county of Clinton, to the north bounds of the county of Essex, then along the north boundary line of the county of Essex, as far as the same extends west, thence southerly along the west bounds of the county of Essex, to the north bounds of the county of Montgomery, as hereinafter described, thence westerly along the same to the division line between great lots number one and two, of Macomb's purchase, thence northerly along the same to the lands reserved by the St. Regis Indians, then westerly and northerly along the bounds thereof to the dominions of the King of Great-Britain, thence along the same easterly to the place of beginning.

St. Lawrence.

The county of St. Lawrence to contain all that part of this state, bounded and described as follows: beginning at a place in

the river St. Lawrence, where a continuation of the division line between great lots number three and four of Macomb's purchase intersects the line which divides the United States from the dominions of the King of Great-Britain, thence running south-easterly along the said line between great lots number three and four of Macomb's purchase, to the north-west corner of Totten and Crossfield's purchase, thence along the north bounds thereof easterly, to the division line between great lot numbers one and two of Macomb's purchase, thence northerly along the said division line, to the lands reserved by the St. Regis Indians, then along the west bounds thereof, to the dominions of the King of Great Britain, then westwardly along the same to the place of beginning.

The county of Saratoga to contain all that part of this state, Saratoga, bounded northerly by the county of Warren, easterly by the counties of Rensselaer, Washington and Warren, southerly by a line beginning at a point in the middle of Hudson's river, opposite to the middle of the most northerly branch of the Mohawk river, running thence through the middle of the said northerly branch, and of the Mohawk river, westerly to the east bounds of the city of Schenectady, thence along the easterly and northerly bounds of the said city, to a line drawn north one degree and twenty-five minutes west from a point on the Mohawk river, where the northeast corner of the tract of land granted by letters patent to George Ingoldsby and others touches the said river, westerly by the said line, continued to the south-west corner of the county of Washington.

The county of Schenectady to contain all that part of this Schenectady; state, bounded as follows : beginning in the south bounds of the county of Saratoga, opposite a point on the Mahawk river, where it is nearest the north line of the manor of Rensselaerwyck, at Neskayuna, and running thence westerly along the southerly bounds of the county of Saratoga, to the east bounds of the city of Schenectady, thence along the easterly and northerly bounds of the city of Schenectady, to a line drawn north one degree and twenty-five minutes west, from a point on the Mohawk river, where the north-east corner of the tract of land granted by letters patent to George Ingoldsby and others, touches the said river, thence along the said line southerly to the said northeast corner of the aforesaid tract, thence running southerly along the north bounds of the last mentioned patent, and of the patents granted to Walter Butler, Thomas Freeman, and to Alexander Philip and William Cosby, to the Schoharie creek, thence along the said creek to the old Schoharie patent, granted to Myndert Schuyler, thence along the eastern bounds thereof, to the patent granted to Johannes Lawyer, then along the south and easterly bounds of the patent granted to Jonathan Brewer, to the north bounds of the manor of Rensselaerwyck, then easterly along the north bounds of the manor of Rensselaerwyck, to a point opposite the place of beginning, and from thence northerly to the place of beginning.

The county of Albany to contain all that part of this state, Albany. bounded northerly by the respective counties of Saratoga and

Schenectady, westerly by the west bounds of the manor of Rensselaerwyck, southerly by the county of Greene, and easterly by the county of Rensselaer.

Montgomery

The county of Montgomery to contain all that part of this state, bounded easterly by part of the west bounds of the county of Schenectady, by the west bounds of the counties of Saratoga and Warren, and part of the west bounds of the county of Essex, southerly, westerly and northerly, by the following lines: beginning at the north-east corner of a tract of land granted to George Ingoldsby and others, and running from thence south-westerly along the north bounds thereof, and of the patents granted to Walter Butler, Thomas Freeman, and Alexander Philip and William Cosby, and along the same line continued to the patent of John Bowen, thence along the bounds thereof southerly and westerly to the northeast corner of the old Schoharie patent, granted to Myndert Schuyler, thence westerly along a line run by order of the surveyor-general, on the twentieth day of April, one thousand eight hundred and ten, in pursuance of an act passed the thirtieth day of March, one thousand eight hundred and nine, and as the same is laid down on a map thereof filed in the office of the secretary of this state, to the southeast corner of a patent granted to William Cosby, thence along the same, and along a tract of land formerly granted to John Lyne, to the south-east corner thereof, thence westerly to the northeast corner of the tract of land formerly granted to John Groesbeck, called Springfield, thence along the north bounds thereof, and the same line continued, to a line run from the Little Falls, in the Mohawk river, to the mouth of the creek on which the mills late of Richard Cary are erected, where the same creek empties itself into the waters of Lake Otsego, thence northerly along the said line, to the east end of the easternmost lock of the canal on the north side of the Mohawk river, at the Little Falls, thence north as the magnetic needle pointed in the year one thousand seven hundred and seventy-two, to the southerly bounds of a tract of land called Jersey-field, and from thence a direct course to strike the line of division between two certain tracts of land, the one known by the name of Nobleborough, and the other by the name of Arthurborough, thence along the said division line to the northerly bounds of the said tract, thence north to the south bounds of Macomb's purchase, then easterly along the same to the county of Essex.

Schoharie.

The county of Schoharie to contain all that part of this state, bounded easterly by the counties of Albany and Schenectady, northerly by part of the south bounds of the county of Montgomery, westerly by a line beginning at the southwest corner of a tract of land formerly granted to John Lyne, and running thence the following courses and distances as marked by order of the surveyor-general, south twenty-one degrees and forty-eight minutes west, two hundred and nineteen chains to the place where Joshua Tucker formerly resided, thence south seven degrees and forty-eight minutes west, one hundred and ninety-three chains, to the easternmost line of the second allotment of a tract of land known by the name of the Belvidere Patent, thence south nine degrees east, six

hundred and ninety-five chains, to a certain hill, known by the name of Grover's hill, thence with a direct line to the most north-westerly corner of Stroughburgh patent, thence with a direct line to the most northerly corner of Harpersfield, on the Charlotte or Adegatengie branch of the Susquehannah river, thence south-easterly along the north bounds of Harpersfield, to the said lake Utsayantho, and southerly by a line formerly run from the head of Kaater's creek, where the same issues out of the southerly side or end of a certain lake or pond, lying in the Blue mountains, to the said lake Utsayantho, and by part of the north bounds of the county of Greene.

The county of Otsego to contain all that part of this state, Otsego. bounded southerly by the county of Delaware, easterly by the county of Schoharie, northerly by a line beginning at the north-west corner of the county of Schoharie, running thence westerly to the northeast corner of a tract of land formerly granted to John Groesbeck, called Springfield; thence along the north bounds thereof, and the same line continued to a line run from the Little Falls in the Mohawk river, to the mouth of the creek on which the mills now or late of Richard Cary are erected, where the same creek empties itself into the waters of Lake Otsego; then southerly along said line to the southerly bounds of a tract of land formerly granted to Theobold Young; then along the southerly bounds thereof, and the southerly bounds of a tract of land formerly granted to Rudolph Staley, to a tract of land formerly granted to William Bayard and others, called the Freemason's Patent; thence southerly and westerly along the same to the Unadilla river, and westerly by the said Unadilla river from the place last mentioned, to its junction with the Susquehannah river.

The county of Herkimer to contain all that part of this state, Herkimer. bounded easterly by the county of Montgomery and part of the county of Otsego, southerly by the county of Otsego, westerly by a line beginning in the south bounds of the patent granted to William Bayard and others, called the Freemason's Patent, where the same is intersected by a line run south from the former fording place in the Mohawk river at old Fort Schuyler, now called Utica, thence north along said line, to the southerly line of Cosby's manor, thence north-easterly a direct line to the northerly bounds of said Cosby's manor, at a point where the same is intersected by the division line between Gage's and Walton's patents, thence northerly on the line between the said Walton's and Gage's patents, to the West Canada Creek, thence northerly up the waters of the said creek to the forks thereof, thence easterly up the east branch of said creek to the north-east corner of Service's patent, thence north to the county of St. Lawrence, and northerly by the county of St. Lawrence.

The county of Chenango to contain all that part of this state, Chenango. bounded as follows: beginning in the east bounds of the tract of land called the Military Tract, where the south boundary line of townships number four, five and six, of the twenty townships so called, continued westerly, intersects the same, thence southerly along the east bounds of the said tract called the Military Tract,

and a line drawn from the southeast corner thereof to the confluence of the Tioughnioga and Chenango rivers, and to the east bank of the last mentioned river, southerly by a line drawn from the place last mentioned, along the eastern bank of the Chenango river, to the northwest corner of a tract of land granted to John Jay and others, thence along the north bounds thereof, and the same line continued, until it meets the west line of Clinton township, thence along the same south to the south-west corner thereof, thence east along the south bounds thereof, to the line of property, easterly by part of the west bounds of the counties of Delaware and Otsego, and northerly by the south bounds of lots number eighteen, four, five, six of the twenty townships so called, and the south boundary line of lots number four, five and six, continued to the eastern bounds of the said tract called the Military Tract.

Madison.

The county of Madison to contain all that part of this state, bounded as follows : beginning on the Unadilla river at the southeast corner of township number nineteen, of the twenty townships so called, and thence northerly along the same to the northeast corner of township number nineteen, thence westerly along the north bounds thereof, to the east boundary line of township number three, thence north along the same to the northeast corner thereof, thence westerly along the north bounds thereof, and of the said twenty townships, westerly to the south-west corner of lot number fifty in the first allotment of a tract of land called New-Petersborough, thence northerly on the west line of said lot number fifty, and of lot number sixty-nine, to the south line of New-Stockbridge, thence the shortest line to the main branch of the Oneida Creek, thence northerly down said creek to the Oneida Lake, thence westerly along the southerly shore of Oneida Lake, to the township of Cicero, in the said Military Tract, westerly by part of the east bounds of the said Military Tract, and southerly by the north bounds of the county of Chenango.

Onondaga.

The county of Onondaga to contain all that part of this state, bounded as follows : beginning in the east bounds of the tract of land in this state called the Military Tract, set apart for the use of the troops of the line of this state, lately serving in the army of the United States, at the north-east corner of lot number sixty, in the township of Fabius, in said tract, running thence northerly along the east bounds of the said Military Tract to the Oneida Lake, thence north-westerly along the Oneida Lake to the place where the Onondaga or Oswego river issues therefrom, thence northerly, southerly and north-westerly along the said Onondaga or Oswego river, as the same winds and turns to the place where it empties itself into Lake Ontario, thence north to the county of Jefferson, then west till a south course will strike the northwest corner of Hannibal, then south to the northwest corner of the township of Hannibal, in the said Military Tract, thence southerly along the west and south bounds of the said township of Hannibal to the township of Lysander, then along the west line of the said township of Lysander, to Cross Lake, in the Seneca river, thence in the straightest direction to that point where the west line of the township of Camillus touches the aforesaid

river, thence along the west line of the township of Camillus to the south line thereof, thence easterly along the said south line to the northwest corner of the township of Marcellus, thence along the westerly and southerly lines of the said township of Marcellus to the Skaneateles lake, thence southerly and easterly on the westerly and southerly shore of the same, to the north-west corner of lot number fifty-one, in the township of Tully, in the said military tract, from thence with a straight line easterly to the place of beginning.

The county of Oneida to contain all that part of this state, Oneida;
bounded on the north by the counties of Jefferson and Lewis, as herein after described, westerly, south-westerly and southerly by the counties of Onondaga, Madison and part of the county of Otsego, and easterly by part of the county of Herkimer.

The county of Jefferson to contain all that part of this state, Jefferson;
bounded as follows: beginning at the south-west corner of the township of Minos, on the easterly shore of Lake Ontario, running thence along the southerly bounds of the said township, to the south-east corner thereof, thence northerly along the easterly bounds thereof, to the south-west corner of the township of Atticus, thence easterly along the south bounds of the townships of Atticus and Fenelon, to the south-east corner of the said township of Fenelon, thence northerly along the east bounds of the township of Fenelon to the north-east corner thereof, thence westerly along the north bounds thereof, to the south-east corner of the township of Orpheus, thence northerly along the east bounds of the township of Orpheus to the south bounds of the township of Milan, thence south-easterly along the southerly bounds of the township of Milan to the south-west corner of the township of Howard, thence north-easterly along the south-easterly bounds of the township of Howard, to the easterly corner thereof, on the Black river, thence in a direct line to the south-west corner of the lot in the eleventh western, and the twenty-first northern ranges in the subdivisions of great lot number five of Macomb's purchase, thence east on the line between the twentieth and twenty-first northern ranges of lots to the south-western corner of the lot in the tenth western, and twenty-first northern ranges of lots, thence north on the line between the tenth and eleventh western ranges to the south line of great lot number four, of Macomb's purchase, thence easterly along the said line to the corner of lot number eight hundred and eight, and eight hundred and nine, of the subdivisions of said great lot number four, thence along the line of number eight hundred and eight and eight hundred and nine, to lot number eight hundred and fifty-seven, thence along the line of number eight hundred and fifty-seven and eight hundred and nine to the south-east corner of lot number eight hundred and fifty-seven, thence north-easterly between lot number eight hundred and fifty-seven and eight hundred and nine, to the north-east corner of lot number eight hundred and fifty-one, thence westerly along the line of lots number eight hundred and fifty-one, and eight hundred and fifty, to the southwest corner of lot number eight hundred and fifty, thence northeasterly along the line of lots to the boundary

of the county of St. Lawrence, at the north-east corner of lot number eight hundred and thirty-four, thence northwesterly along the westerly bounds of the county of St. Lawrence, to the north bounds of this state, thence westerly and southerly along the said north bounds of this state to a point west from the place of beginning, and then east, to the place of beginning.

Lewis.

The county of Lewis to contain all that part of this state bounded as follows: beginning at the south-east corner of the county of Jefferson, thence southerly along the easterly bounds of the townships of Arcadia and Redfield to the south-east corner of the said township of Redfield, then south-easterly along the southerly bounds of the townships of Rurabella and Zenophon to the south-easterly corner of the township of Zenophon, thence north sixty-two degrees east along the southerly line of the tract of land known by the name of Macomb's purchase, to the line of the county of Herkimer, thence north along the west bounds of the county of Herkimer to the bounds of the county of St. Lawrence, thence along the south-westerly bounds of the said county of St. Lawrence to the line of the county of Jefferson, and thence along the easterly bounds of the said county of Jefferson to the place of beginning.

Cortlandt.

The county of Cortlandt to contain all that part of this state bounded as follows: beginning at the south-east corner of the township of Cincinnatus, one of the townships in the tract of land commonly called the military tract, and running thence north along the east bounds thereof, and of the townships of Solon and Fabius, to the north-east corner of lot number sixty in the said township of Fabius, thence westerly to the north-west corner of lot number fifty-one in the township of Tully, thence south along the east bounds of the townships of Sempronius, Locke and Dryden, to the south-west corner of the township of Virgil, thence easterly along the south bounds of the townships of Virgil and Cincinnatus to the place of beginning.

Cayuga.

The county of Cayuga to contain all that part of this state bounded as follows: beginning at the south-east corner of the township of Dryden, in the said military tract, and running thence westerly along the south bounds thereof to the south-east corner of the townships of Ulysses, thence north along the east line thereof to the north-east corner thereof, thence west to the middle of the Cayuga lake, thence down the middle of said lake to the outlet thereof, thence down the outlet of said lake to the west line of the township of Brutus, thence north along the west lines of the townships of Brutus and Cato to the north-east corner of the township of Galen, thence west along the north bounds of the said township of Galen to the line called the new pre-emption line, thence north along the said line, and the same continued, to the north bounds of this state, thence north-easterly along the same to the county of Jefferson, and easterly along the same to the county of Onondaga, thence southerly along the west bounds of the counties of Onondaga and Cortlandt to the place of beginning.

Seneca.

The county of Seneca to contain all that part of this state, bounded on the east and north by the county of Cayuga, on the

west by the said new pre-emption line from the county of Cayuga to the Seneca lake, and thence along the west shore of the Seneca lake to the south-west corner of the township of Hector, and on the south by the south bounds of the townships of Hector and Ulysses.

The county of Broome to contain all that part of this state, bounded southerly by the line of division between this state and the commonwealth of Pennsylvania, on the east by the county of Delaware, on the north by the counties of Chenango and Cortland, and part of the county of Cayuga, and on the west by the Owego creek and a line drawn from its mouth south to the said division line between this state and the commonwealth of Pennsylvania.

The county of Tioga to contain all that part of this state, bounded on the south by the line of division between this state and the commonwealth of Pennsylvania, on the west by the new pre-emption line, commonly so called, beginning at the eighty-two mile stone in the line of division between this state and the commonwealth of Pennsylvania, and running due north to Lake Ontario as the same hath been run and established by law, until the said line be intersected by a line drawn west from the south-west corner of the military tract, northerly by a line drawn from the said place of intersection to the south-west corner of the said tract, and by the counties of Seneca, Cayuga and Cortland, and easterly by the county of Broome.

The county of Steuben to contain all that part of this state, bounded southerly by the line of division between this state and the commonwealth of Pennsylvania, easterly by the county of Tioga and part of the county of Seneca, northerly by the north bounds of townships number six of the first, second, third, fourth, fifth and sixth ranges of townships in Phelps and Gorham's purchase, and westerly by the westerly bounds of the sixth range of said townships.

The county of Ontario to contain all that part of this state, bounded on the east by the counties of Seneca and Cayuga, north by the northern bounds of this state, on the west by Genesee river and a line drawn north from its mouth to the bounds of the state, and by the westerly bounds of the seventh range of townships of Phelps and Gorham's purchase, and southerly by the northerly bounds of townships number six of the seven ranges of said townships.

The county of Genesee to contain all that part of this state, bounded easterly by the county of Ontario, northerly by the northerly bounds of this state, westerly by a meridian line between the fourth and fifth ranges of townships of the Holland land company, and said line continued north to the bounds of the state, southerly by the Cattaraugus creek and a meridian line between the second and third ranges of said townships, the northerly bounds of townships number seven in the second and first ranges of said townships, and the said northerly bounds continued easterly to the westerly bounds of the county of Ontario.

The county of Niagara to contain all that part of this state, bounded easterly by the county of Genesee, northerly and west-

erly by the bounds of this state, and southerly by the Cattaraugus creek and a north-west line drawn from its mouth to the bounds of the state.

Allegany. The county of Allegany to contain all that part of this state, bounded easterly by the county of Steuben, northerly by part of the counties of Ontario and Genesee, westerly by a meridian line between the second and third ranges of townships of the Holland land company, and southerly by the line of division between this state and the commonwealth of Pennsylvania.

Cattaraugus. The county of Cattaraugus to contain all that part of this state, bounded easterly by the county of Allegany, northerly by parts of the counties of Genesee and Niagara, westerly by a meridian line between the ninth and tenth ranges of townships of the Holland land company, and southerly by the line of division between this state and the commonwealth of Pennsylvania.

Chatauque. The county of Chatauque to contain all that part of this state, bounded easterly by the county of Cattaraugus, northerly, southerly and westerly by part of the county of Niagara and the bounds of this state.

Where a river or creek divides two counties the middle of the channel to be the division line. And where it crosses an island, the island to belong to the county in which the greater part of it lies, etc.

II. *And be it further enacted*, That where any counties in this state are separated from each other by a river or creek, in every such case the middle of the channel of the river or creek shall be and is hereby declared to be the division line between them; and whenever any boundary line between two counties run, or may run across any island, the whole of such island shall be deemed to be within the county in which the greater part of it lies, unless otherwise particularly expressed.

Names of Counties, &c. in the State of New-York.

The following table exhibits, in one view, *the names* of all the Counties in this State, (47 in number)—*the time* when each was erected by law—from what *other county separated or taken*—and the *Edition of Laws and session* in which the original act erecting each county may be found.—This table is calculated to satisfy many useful and valuable enquiries relating to the situation, boundaries and conveyance of lands, the recording and deposit of deeds, titles and incumbrances, &c. Besides, the information it contains, is essential to the correct understanding of some of our ancient and present statutes, and other public acts.

<i>Names of the Counties.</i>	<i>When erected by law.</i>	<i>From what other Counties separated or taken.</i>	<i>Act or statute erecting each county where found</i>
ALBANY,	1683, Nov. 1.	{ An original county, erected by a law of the first legislature ever held in the then colony of N. York, it took its present name September 24, 1664.	{ In the Secretary's office, and not in any edition extant.
Allegany,	1806, April 7.	Genesee.	W. v. 4. 604. sess. 29. ch. 162
Broome,	1806, March 28.	Tioga.	W. v. 4. 431, sess. 29. ch. 89
Cattaraugus,	1808, March 11.	Genesee.	W. v. 5. 266. sess. 31. ch. 60
Cayuga,	1799, March 8.	Onondaga.	Lor. And. 615. sess. 22. ch. 26
Chatauque,	1808, March 11.	Genesee,	W. v. 5. 266. sess. 31. ch. 60
Chenango,	1798, March 15.	Herkimer & Tioga.	Lor. And. 294. sess. 21. ch. 31
Clinton,	1788, March 7.	Albany,	Gr. v. 2. 150, sess. 11. ch. 93

Columbia,	1786, April 4.	Albany.	J. & V. v. 1. 280. sess. 9. ch. 28
Cortland,	1808, April 8.	Onondaga.	W. v. 5. 365. sess. 31. ch. 194
Delaware,	1797, March 10.	Ulster & Otsego.	Gr. v. 3. 394. sess. 20. ch. 33
Dutchess,	1683, Nov. 1.	{ An original county } see "Albany."	{ In the Secretary's office, & not in any edition extant.
Essex,	1799, March 1.	Clinton.	Lor. And. 6 f2. sess. 22. ch. 24
Franklin,	1808, March 11.	Clinton.	W. v. 5. 272. sess. 31. ch. 43
Genesee,	1802, March 30.	Ontario.	Lor. And. 97 sess. 25. ch. 64
Greene,	1800, March 25.	Ulster & Albany.	Lor. And. 102. sess. 23. ch. 59
Herkimer,	1791, February 16.	Montgomery.	Gr. v. 2. 343. sess. 14. ch. 10
Jefferson,	1805, March 28.	Oneida.	W. v. 4. 73. sess. 28. ch. 51
Kings,	1683, Nov. 1.	{ An original county, } see "Albany."	{ In the Secretary's office, & not in any edition extant.
Lewis,	1805, March 28.	Oneida.	W. v. 4. 73. sess. 28. ch. 51
Madison,	1806, March 21.	Chenango.	W. v. 4. 398. sess. 29. ch. 70
Montgomery,	{ 1772, March 12, erected by the name of Tryon, & altered to its present name, 1784, April 2. }	Albany.	{ V. S. v. 2. 659. ch. 1804. Gr. v. 1 170. sess. 7. ch. 17
New-York,	1683, Nov. 1.	{ An original county, see "Albany." It took its present name Aug. 27, 1664, pre- vious to which it was called New-Amster- dain. }	{ In the Secretary's office, & not in any edition extant.
Niagara,	1808, March 11.	Genesee.	W. v. 5. 266. sess. 31. ch. 60
Oneida,	1798, March 15.	Herkimer.	Lor. And. 295. sess. 21. ch. 31
Onondaga,	1794, March 5.	Herkimer.	Gr. v. 3. 110, sess. 17. ch. 18
Ontario,	1789, January 27.	Montgomery.	Gr. v. 2. 220. sess. 12, ch. 11
Orange,	1683, Nov. 1.	{ An original county, see "Albany."—On the 5th April, 1798, the towns of New- Windsoe, Newburgh, Walkill, Montgome- ry & Deer-Park, then belonging to Ulster, were added to O- range. Lor. And. 494. sess. 21. ch. 93. }	{ In the Secretary's office, and not in any edition extant.
Otsego,	1791, Feb. 16,	Montgomery.	Gr. v. 2. 342. sess. 14. ch. 10
Putnam,	1812, June 12.	Dutchess.	W. v. 6. 479. sess. 35. ch. 143
Queens,	1683, Nov. 1.	{ An original county, see "Albany."	{ In the Secretary's office, & not in any edition extant.
Rensselaer,	1791, Feb. 7.	Albany.	Gr. v. 2. 337. sess. 14. ch. 4
Richmond,	1683, Nov. 1.	{ An original county, see "Albany."	{ In the Secretary's office, & not in any edition extant.
Rockland,	1798, Feb. 23.	Orange.	Lor. And. 267. sess. 21. ch. 16
Saratoga,	1791, Feb. 7.	Albany.	Gr. v. 2. 337. sess. 14. ch. 4.
Schenectady,	1809, March 7.	Albany.	W. v. 5. 458. sess. 32. ch. 65
Schoharie,	1795, April 6.	Albany & Otsego.	Gr. v. 3. 210. sess. 18. ch. 42
Seneca,	1804, March 24.	Cayuga.	W. v. 3. 407. sess. 27. ch. 31
Steuben,	1796, March 18.	Ontario.	Gr. v. 3. 290. sess. 19. ch. 29
St. Lawrence,	1802, March 3.	Oneida.	Lor. And. 24. sess. 25. ch. 16
Suffolk,	1683, Nov. 1.	{ An original county, see "Albany."	{ In the Secretary's office, & not in any edition extant.
Sullivan,	1809, March 27.	Ulster,	W. v. 5. 495. sess. 32. ch. 126
Tioga,	1791, Feb. 16.	Montgomery.	Gr. v. 2. 341. sess. 14. ch. 16

Ulster,	1683, Nov. 1.	{ An original county, { In the Secretary's office, &
		{ see "Albany." { not in any edition extant.
Warren,	1813, March 12.	Washington. S. 43. sess. 36. ch. 50.
Washington,	{ 1772, March 12, erected by the name of Charlotte, & 1784, April 2, altered to its present name. }	{ Albany. { V.S. v. 2. 659. ch. 1804. Gr. v. 1. 70. sess. 7. ch. 17.
Westchester,	1683, Nov. 1.	{ An original county, { In the Secretary's office, &
		{ see "Albany." { not in any edition extant.
TOTAL 47 Counties in 1813.		
<i>Now belonging to Vermont.</i>		
Cumberland,	1768, March 19.	{ Erected by letters pa- { 1790, Oct. 7. Ceded to
Gloucester,	1770, March 16.	{ tent from the Crown, { Vermont—see act of ces-
		{ and taken from Alba- { sion in Secretary's office.
		{ ny. vide V.S. v. 2. 698.
<i>Now belonging to Massachusetts.</i>		
Duke's,	{ 1683, Nov. 1.	{ original counties, { Claimed by, and surren-
Cornwall,		{ see "Albany." { dered to, Massachusetts,
		{ soon after 1693.

CHAP. CI.—(R.L.)

An ACT for dividing the Counties of this State into Towns.

Passed April 12, 1813.

SUFFOLK
county

Southhold

I. *Be it enacted by the People of the State of New-York represented in Senate and Assembly,* That all that part of the county of Suffolk, now called and known by the name of Southhold, lying to the eastward of a line, beginning at the Sound, and running thence southerly to the bay separating Southampton and Southhold, and which is the eastern boundary or side of a farm now or late in the tenure and occupation of William Albertson, and is the reputed line of division between the parishes of Ocquebogue and Mattetuck, and including Ram island, Fisher's island, Plumb island, Robin's island and the Gull islands, shall be and continue a town by the name of Southhold.

Riverhead

And that all that part of the said county of Suffolk, now called and known by the name of Riverhead, bounded easterly by Southhold, westerly by Brookhaven, southerly by Peaconock river, and northerly by the Sound, shall be and continue a town, by the name of Riverhead.

East-Hamp-
ton

And that all that part of the said county of Suffolk now called Easthampton, including Montock and the Isle of Wight, now called Gardner's island, shall be and continue a town by the name of East-Hampton.

South-Hamp-
ton

And that all that part of the said county of Suffolk, now called and known by the name of Southhampton, including Bridgehampton, heretofore called Soggaboneck and Mecoxe, shall be and continue a town by the name of Southhampton.

Shelterisland

And that all that island called Shelter island, in the county of Suffolk, shall be and continue a town by the name of Shelter island.

Huntington

And that all that part of the said county of Suffolk called Huntington, including Eaton's Neck and Crab Meadow, shall be and continue a town by the name of Huntington.

And that all that part of the said county of Suffolk, bounded south- Islip
erly by the Atlantic ocean, westerly by Huntington, northerly
by Smithtown and Winnecommick, and easterly by the east
bounds of the lands formerly belonging to William Nicoll, near
Blue-point, excepting nevertheless all the beach and bay which
is included in the patent of Brookhaven, and belongs to the town
of Brookhaven, shall be and continue a town by the name of
Islip.

And that all that part of the said county of Suffolk bounded south- Smithtown
erly by Islip, westerly by Huntington, northerly by the Sound,
and easterly by the patent of Brookhaven, including Winne-
commick, shall be and continue a town by the name of Smith-
town.

And that all that part of the said county of Suffolk, bounded Brookhaven
westerly by Smithtown and Islip, northerly by the Sound, easterly
by Riverhead and Southampton, and southerly by the Atlantic
ocean, shall be and continue a town by the name of Brookhaven.

And that all that part of Queens county now called and known QUEENS
by the name of Oyster Bay, including Lloyd's Neck or Queen's county
Village and Hog island, and extending on the south from the Oyster Bay
southeast point of Oyster Bay Meadows south three degrees west
to the Atlantic ocean shall be and continue a town by the name
of Oyster Bay.

And that all that part of Queens county, bounded easterly by Hempstead
Oyster Bay, southerly by the Atlantic ocean, westerly by Jama-
ica, and northerly by the county road leading from Jamaica near-
ly through the middle of the Great Plains, commonly called
Hempstead Plains, to the east part thereof, including the lands
called the Gore, between the patent of Hempstead and the pa-
tent of Oyster Bay, shall be and continue a town, by the name of
Hempstead, except a small gore of land now or late in the pos-
session of Stephen Clement, lying on the north side of, and ad-
joining to, the highway that leads from Jamaica to Hempstead
Plains, and bounded on the west by the town of Jamaica, and on
the north by Flushing, shall be and the same is hereby annexed
to and shall hereafter be a part of the town of Flushing, for every
purpose whatever.

And that all that part of Queen's county bounded easterly by North-Hemp-
Oyster-Bay, southerly by Hempstead, westerly by Flushing, and stead
northerly by the Sound, shall be and continue a town by the name
of North-Hempstead.

And that all that part of Queens county aforesaid, now called Flushing
and known by the name of Flushing, shall be and continue a town
by the name of Flushing.

And that all that part of Queens county aforesaid, now called Jamaica
and known by the name of Jamaica, shall be and continue a town
by the name of Jamaica.

And that all that part of Queens county aforesaid, now called Newtown
and known by the name of Newtown, including all the islands in
the Sound opposite the same, and comprehended in Queens coun-
ty, shall be and continue a town by the name of Newtown.

And that all that part of Kings county, now called and known

KINGS county by the name of Brooklyn, shall be and continue a town by the name of Brooklyn.

Brooklyn
Bushwick And that all that part of Kings county aforesaid, now called and known by the name of Bushwick, shall be and continue a town by the name of Bushwick.

Flatlands And that all that part of Kings county aforesaid, now called and known by the name of Flatlands or Amesford, together with the island commonly called Barren island, shall be and continue a town by the name of Flatlands.

Flatbush And that all that part of Kings county aforesaid, now called and known by the name of Flatbush, including the tract of land called New-Lots, shall be and continue a town by the name of Flatbush.

Gravesend And that all that part of Kings county aforesaid, now called and known by the name of Gravesend, including Coney island and all the islands south of the said town, shall be and continue a town by the name of Gravesend.

New-Utrecht And that all that part of Kings county aforesaid, now called and known by the name of New-Utrecht, shall be and continue a town by the name of New-Utrecht.

RICHMOND county
Castletown And that all that part of the county of Richmond, bounded northerly by Killvaucull, easterly by Hudson's river, southerly by the road leading from Van Duerzon's ferry southward of the watering place to Richmond town, and westerly by a line beginning at the mouth of Dongan's mill-creek, and running from thence along the line of the manor of Castletown to the road at the rear of the patent of Corsen and company, thence along the northerly side of the said road westerly to the road leading to Haughwout's mill, and then southerly along the westerly side of the last mentioned road as it runs along by Richard Conner's to the tavern now or late called the Rose and Crown on the said road leading to Richmond town, shall be and continue a town by the name of Castletown.

Southfield And that all that part of the said county of Richmond, bounded northerly by the north side of said road leading from Van Duerzon's ferry to Richmond town and the Fresh-kill, easterly by Hudson's river, southerly by the bay, and westerly by a line beginning on the Fresh-kill at the northwest corner of the land and meadow late of James Egberts, and running from thence southerly along the same to Egberts' lane, and then along the same lane to the road called the new road, and then along the same new road westerly to the land now or late belonging to Henry Perine, and thence southerly along the easterly bounds thereof to the bay, shall be and continue a town by the name of Southfield.

Westfield And that all that part of the said county of Richmond, bounded northerly by the Fresh-kill, easterly by Southfield, southerly by the bay, and westerly by the Sound, shall be and continue a town by the name of Westfield.

Northfield And that all the residue of the said county of Richmond shall be and continue a town by the name of Northfield.

WEST-CHESTER county
Westchester And that all that part of the county of Westchester, bounded easterly by the Sound, and the land granted to Thomas Pell, called the manor of Pellham, southerly by the Sound, westerly

by the county of New-York, and northerly by the north bounds of the manor of Fordham, and the north bounds of the lands called the Borough town of Westchester, including the islands in the Sound lying south thereof, and in the county of Westchester, shall be and continue a town by the name of Westchester.

And that all that part of the said county of Westchester, bounded easterly by Bronx river, southerly by the town of Westchester, westerly by the county of New-York, and the state of New-Jersey, and northerly by the north bounds of a tract of land called the Yonkers, and the same continuing west to the state of New-Jersey, shall be and continue a town by the name of Yonkers.

Yonkers.

And that all that part of the said county of Westchester bounded easterly by Bronx river, southerly by Yonkers, westerly by the west bounds of the county, and northerly by a line beginning on the east side of Hudson river, at the southwest corner of the land lately conveyed by the commissioners of forfeitures for the southern district, to Gerard G. Beekman, junior, and running from thence along the southerly and easterly bounds thereof to the farm now or late belonging to William David, and then along the southerly and easterly bounds thereof to the road leading to the White Plains, and then easterly along the same road, to Bronx river, shall be and continue a town by the name of Greenburgh.

Greenburgh.

And that all that part of the said county of Westchester bounded southerly by Greenburgh, westerly by the middle of Hudson's river, and northerly and easterly by the north and east bounds of the manor of Philipsburgh, shall be and continue a town by the name of Mount-Pleasant.

Mount-Pleasant.

And that all that part of the said county of Westchester bounded southerly by the town of Westchester, westerly by Bronx river, northerly by the manor of Scarsdale, and easterly by a brook that runs southerly, into Eastchester creek, shall be and continue a town by the name of Eastchester.

Eastchester.

And that all that part of the said county of Westchester, called and known by the name of the manor of Pelham, bounded southerly and easterly by the Sound, northerly by the north bounds of the manor of Pelham, including the islands called the New-City Island, Hart-Island, and Appelby's Island, and westerly by the town of Eastchester, shall be and continue a town by the name of Pelham.

Pelham.

And that all that part of the said county of Westchester called and known by the name of New-Rochelle, bounded southerly by the town of Pelham, easterly by the Sound, northerly by Mamaroneck and the manor of Scarsdale, and westerly by the manor of Scarsdale and Eastchester, including the island called Rodman's Island, shall be and continue a town by the name of New-Rochelle.

New-Rochelle.

And that all that part of the said county of Westchester bounded westerly by Bronx river, southerly by the town of Eastchester and New-Rochelle, easterly by the east bounds of the tract of land called the manor of Scarsdale, and northerly by the north bounds of the said manor of Scarsdale, shall be and continue a town by the name of Scarsdale.

Scarsdale.

Mamaroneck

And that all that part of the said county of Westchester bounded southerly by New-Rochelle, easterly by the Sound, northerly by Mamaroneck river, and westerly by the town of Scarsdale, shall be and continue a town by the name of Mamaroneck.

White-Plains

And that all that part of the said county of Westchester bounded easterly by Mamaroneck river, northerly by North-Castle, westerly by Bronx river, and southerly by the town of Scarsdale, shall be and continue a town by the name of White-Plains.

Harrison.

And that all that part of the said county of Westchester called and known by the name of Harrison's purchase, shall be and continue a town by the name of Harrison.

Rye.

And that all that part of the said county of Westchester bounded southerly by the Sound, easterly by Connecticut, and westerly by the town of Harrison and Mamaroneck river, including Captain's island and all the islands in the Sound lying south of the said bounds, shall be and continue a town by the name of Rye.

North-Castle.

And that all that part of the said county of Westchester bounded southerly by the town of White-Plains, the town of Harrison and the state of Connecticut, easterly by Connecticut and Poundridge, westerly by the Bronx river, and northerly by the town of Bedford and a line drawn from the southwest corner of the town of Bedford to the head of Bronx river, on the eastern line of Mount-Pleasant, shall be and continue a town by the name of North-Castle.

New-Castle.

And that all that part of the said county of Westchester bounded southerly by North-Castle, westerly by Mount-Pleasant, northerly by the manor of Cortlandt, and easterly by the town of Bedford, shall be and continue a town by the name of New-Castle.

Bedford.

And that all that part of the said county of Westchester formerly called and known by the name of Bedford, shall be and continue a town by the name of Bedford.

Poundridge.

And that all that part of the said county of Westchester bounded southerly by the state of Connecticut, easterly and northerly by South-Salem, and westerly by Bedford and Mahanus river, shall be and continue a town by the name of Poundridge.

South-Salem.

And that all that part of the said county of Westchester bounded northerly by a line beginning at a monument in the line between this state and Connecticut, east of the north long pond, and running westerly by the north side of the said pond and the south bounds of the land now or late belonging to Ezekiel Hawley, until it comes to the road leading over the mountain, and then crossing the same road and running northerly along the west side of the same road to the land now or late belonging to Ezekiel Hawley, and then westerly along the same to the west line of the Oblong, then northerly along the said Oblong line until it comes to the south line of the north lot number ten of the manor of Cortlandt, and then westerly along the south bounds of the said lot number ten, and the south bounds of the north lots number nine and eight to Croton river, and then down the said river to Bedford, easterly and southerly by Connecticut, Poundridge, and Bedford, and westerly by Poundridge, Bedford and Croton river, shall be and continue a town by the name of South-Salem.

North-Salem.

And that all that part of the said county of Westchester bound-

ed southerly by South-Salem, easterly by Connecticut, northerly by Putnam county and westerly by the middle of Croton river, shall be and continue a town by the name of North-Salem.

And that all that part of the said county of Westchester bounded westerly by the middle of Hudson's river, northerly by the county of Putnam, easterly by north lot number two and south lot number two of the manor of Cortlandt, and the same line continued to the south bounds of the manor of Cortlandt, and southerly by the south bounds of the manor of Cortlandt, shall be and continue a town by the name of Cortlandt. Cortlandt.

And that all that part of the said county of Westchester bounded westerly by the town of Cortlandt, northerly by the county of Putnam, easterly by north lot number five and south lot number five of the said manor of Cortlandt, and the same line continued to the south bounds of the said manor of Cortlandt, and southerly by the south bounds of the said manor of Cortlandt, shall be and continue a town by the name of York-Town. York-Town.

And that all that part of the said county of Westchester bounded westerly by York-Town, northerly by the county of Putnam, easterly by North-Salem, Croton river and Bedford, and southerly by the south bounds of the manor of Cortlandt, shall be and continue a town by the name of Somers. Somers.

And that all that part of the county of Putnam bounded southerly by the county of Westchester, westerly by the middle of Hudson's river, easterly by the east bounds of the long lot number four, formerly belonging to Beverly Robinson, and northerly by the county of Dutchess, shall be and continue a town by the name of Philipstown. PUTNAM county. Philipstown

And that all that part of the said county of Putnam lying east of Philipstown, west of the east line of Philips' long lot, and south of a line to begin at a point in the east bounds of Philipstown, six miles from the north bounds of the county of Westchester, and running north eighty-seven degrees and thirty minutes east, to the state of Connecticut, shall be and continue a town by the name of Carmel. Carmel.

And that all that part of the said county of Putnam lying east of the said east line of Philips' long lot and south of the above mentioned line, beginning at a point in the east bounds of said Philipstown, six miles from the north bounds of the county of Westchester, and running north eighty-seven degrees and thirty minutes east, and continued to the state of Connecticut, shall be and continue a town by the name of South-East. South-East.

And that all that part of the said county of Putnam lying east of the said east line of Philips' long lot, and north of the above mentioned line, beginning at a point in the east bounds of said Philipstown as aforesaid, and south of the county of Dutchess, shall be and continue a town by the name of Patterson. Patterson.

And that all that part of the said county of Putnam, lying west of the said east line of Philips' long lot, and north of the above mentioned line, beginning at a point in the east bounds of said Philipstown as aforesaid, east of Philipstown, and south of the county of Dutchess, shall be and continue a town by the name of Frederick. Frederick.

DUTCHESS
county.
Fishkill. And that all that part of the county of Dutchess, bounded southerly by the county of Putnam, westerly by the middle of Hudson's river, northerly by Wappinger's creek, and easterly by the east bounds of Rumbout's patent shall be, and continue a town by the name of Fishkill.

Beekman. And that all that part of the said county of Dutchess, bounded southerly by Frederick, westerly by Fishkill, northerly by the north bounds of the lands granted to Colonel Henry Beekman, and southeasterly by a line beginning at the house now or late of Darius Talman, near the Nine-Partners' line, and running from thence to the house now or late of William Clark, and from thence to the house now or late of Nathaniel Lee, and from thence to the house now or late of Caleb Lamb, and from thence south sixteen degrees west to the east bounds of said town of Fishkill, shall be and continue a town by the name of Beekman.

Pawling. And that all that part of the said county of Dutchess, bounded southerly by the county of Putnam, westerly by Beekman, easterly by Connecticut, and northerly by a line beginning on the easterly line of the town of Beekman, and running from thence along the division line of lots number nine and ten, until it strikes the oblong line, thence continuing across said oblong, in the same direction, to the line of Connecticut, shall be and continue a town by the name of Pawling.

Dover. And that all that part of the said county of Dutchess, bounded southerly by the town of Pawling, westerly by Beekman, northerly by the north bounds of the patent granted to colonel Henry Beekman, continued to Connecticut, and easterly by Connecticut, shall be and continue a town by the name of Dover.

Poughkeepsie. And that all that part of the said county of Dutchess, bounded easterly and southerly by Wappinger's kill or creek, westerly by the middle of Hudson's river, and northerly by the tract of land called the great or lower Nine-Partners, shall be and continue a town by the name of Poughkeepsie.

Clinton. And that all that part of the said county of Dutchess bounded southerly by Poughkeepsie and Beekman, westerly by the middle of Hudson's river, northerly and easterly by a line beginning at the east bank of Hudson's river, at the north-west corner of the tract of land called Pawling's patent, and running along the north line of the same patent to Crom-elbow-kill, otherwise called Fish Creek, thence up along the said creek to the line of the tract of land called the little or upper Nine-Partners, thence easterly along the said line to the northeast corner of lot number one, so known and distinguished in the first division of the said tract of land called the great or lower Nine-Partners, and then southerly in the line of that tier of lots to the north bounds of Beekman aforesaid, shall be and continue a town by the name of Clinton.

Rhinebeck. And that all that part of the said county of Dutchess, bounded southerly by Clinton, westerly by the middle of Hudson's river, northerly by the town of Redhook, and easterly by the little or upper Nine-Partners, shall be and continue a town by the name of Rhinebeck.

Redhook. And that all that part of the said county of Dutchess, bounded westerly by the bounds of the county, southerly by a line begin-

ning in the west bounds of the county, at a point west from the middle of the Stein Vallitje, and running from thence east to the bank of Hudson's river at the middle of the said Stein Vallitje, thence running along the line of division between the estates of general John Armstrong and Philip J. Schuyler, Esquire, to the south part of Schuyler's Vly, thence an easterly direction, leaving the house and mills of Johannes Ring, on the north, till it intersects the road leading from the town of Northeast to Rhinebeck flats, and from thence easterly as the road runs to the town of Northeast, leaving Benjamin Westfall's house on the north; easterly by the said town of Northeast, and northerly by the bounds of the county, shall be and continue a town by the name of Redhook.

And that all that part of the said county of Dutchess lying north of the north line of lots number fourteen and twenty-three laid out in the general division heretofore made of a tract of land called the lower or great Nine-Partners, and bounded southerly by the town of Washington, westerly by Clinton, northerly by the north bounds of the tract of land called the lower or great Nine-Partners, and easterly by the easternmost tier of lots laid out in the general division heretofore made of the said tract of land called the lower or great Nine-Partners, shall be and continue a town by the name of Stanford.

And that all that part of the said county of Dutchess bounded southerly by the town of Beekman, westerly by Clinton, northerly by Stanford, and easterly by the easternmost tier of lots laid out in the general division heretofore made of the said tract of land called the lower or great Nine-Partners, shall be and continue a town by the name of Washington.

And that all that part of the said county of Dutchess bounded southerly by the town of Dover, westerly by the towns of Washington and Stanford, northerly by the north bounds of the said lower or great Nine-Partners and an east line from the northeast corner thereof to Connecticut, and easterly by Connecticut, shall be and continue a town by the name of Amenia.

And that all that part of the said county of Dutchess bounded westerly by Rhinebeck and Redhook, northerly by the county of Columbia and the commonwealth of Massachusetts, easterly by Connecticut, and southerly by the towns of Clinton, Stanford and Amenia, shall be and continue a town by the name of Northeast.

And that all that part of the county of Rockland bounded easterly by the middle of Hudson's river, southerly by New-Jersey, and westerly and northerly by a line beginning on Hudson's river at the northeast corner of the farm late belonging to Herman Tallman, deceased, and running from thence east to the middle of said river, and westerly along the said farm to the tract of land formerly granted to Teunis D. Tallman, and then southerly and westerly along the bounds of the same tract to Demarest's kill or Hackinsack river, and then down the stream thereof to the north-east corner of a tract of one thousand acres of land formerly sold for defraying the expenses of dividing the patent of Kakiatt, and then westerly along the same to the north-west cor-

ROCKLAND
County.
Orange-
town.

ner thereof, and then northerly, westerly and southerly, along the land now or late belonging to Johannes Jos. Blauvelt to the north-east corner of the land now or late belonging to John M. Hogencamp, and then westerly and southerly along the same to the northeast corner of the land now or late belonging to John P. Mabie, and then westerly along his land to New-Jersey, shall be and continue a town by the name of Orangetown.

Clarkstown.

And that all that part of the said county of Rockland bounded westerly by a line beginning at the northwest corner of the land of John M. Hogencamp, called his middle town lot, and running from thence north three degrees west to the division line between the north and south moiety of the patent of Kakiatt, and then along the same east to the line of division between the east and west four hundred acre lots of the said north moiety, and then along the last mentioned division line and continuing the same to the line of division between the mountain lots upon the top of the Verdrietege-hook mountain, and northerly by the line running along the top of the said mountain between the said mountain lots to the east end thereof, and from thence to the head of the stream of water which runs from the Long-Clove to Hudson's river, easterly by the middle of Hudson's river, and southerly by Orangetown, shall be and continue a town by the name of Clarkstown.

Hampstead.

And that all that part of the said county of Rockland bounded easterly by Clarkstown and Orangetown, southerly by Orangetown and New-Jersey, westerly by New-Jersey and Orange county, and northerly by a line running from the north-west corner of Clarkstown along the south bounds of the lands now or late of Francis Gurnie and Benjamin Coe, and along the south bounds of the land now or late of Gabriel Coneclin, and the same course continued to the bounds of Orange county, shall be and continue a town by the name of Hampstead.

Haverstraw.

And that all that part of the said county of Rockland bounded southerly by Hampstead and Clarkstown, and easterly, northerly and westerly, by the bounds of the county, shall be and continue a town by the name of Haverstraw.

ORANGE
County.
Blooming-
Grove.

And that all that part of the county of Orange beginning in the south bounds of the town of New-Windsor at the northeast corner of a tract of land commonly called Van Dam's patent, and then along the east bounds of the said patent to the southeast corner thereof, thence southeast until it comes to the top of Scho-namont mountain, thence southwesterly along the top of said mountain to the line commonly called the new north-west line, thence northwest along said line to the division line between the patent of Wawayanda and Cheescocks, thence along the said line to the town of Warwick, thence northwardly along the line of the towns of Warwick and Goshen to the line of the town of Wallkill, and thence east along the said line and the line of the town of New-Windsor to the place of beginning, shall be and continue a town by the name of Blooming-Grove.

Monroe.

And that all that part of the said county of Orange beginning in the east line of the town of Warwick at the southerly corner of the town of Blooming-Grove, and thence southerly along the

said line of the said town of Warwick to the line of the state of New-Jersey, thence along the said line to the county of Rockland, thence along the said county of Rockland to the mouth of Poplopen's kill on the west side of Hudson's river, thence a direct line to the south-east corner of the town of Blooming-Grove, and thence along the same to the place of beginning, shall be and continue a town by the name of Munroe.

And that all that part of the said county of Orange bounded northerly by New-Windsor, westerly by Munroe and Blooming-Grove, southerly by Munroe and the bounds of the county, and easterly by the middle of Hudson's river, shall be and continue a town by the name of Cornwall.

And that all that part of the said county of Orange bounded easterly by Blooming-Grove, northerly by the town of Wallkill, westerly by the middle of Wallkill, and southerly by the creek commonly called Quaker's creek, from where it falls into the Wallkill on the southwesterly side of the great island in the drowned lands to the road leading across the grist-mill dam now or late of William Thompson, Esquire, thence along the southerly side of the said road running towards Sugar-loaf mountain to the northerly line of the plantation late of Samuel Rayner, deceased, and thence along said line easterly to the southwest corner of a large tract of land, commonly called Rutger's tract, and thence easterly along the south bounds of the said tract to the foot of the said Sugar-loaf mountain, and then an east course to the bounds of Blooming-Grove, shall be and continue a town by the name of Goshen.

And that all that part of the said county of Orange bounded easterly by Munroe and Blooming-Grove, southerly by the state of New-Jersey, westerly by the middle of the Wallkill, and northerly by Goshen, shall be and continue a town by the name of Warwick.

And that all that part of the said county of Orange bounded easterly by the middle of the Wallkill, southerly by New-Jersey, westerly by Delaware river, and northerly by the towns of Wallkill and Deer-Park, shall be and continue a town by the name of Minisink.

And that all that part of the said county of Orange bounded easterly by the middle of Hudson's river, southerly by an east and west line from the mouth of Murderer's creek, and westerly and northerly by a line beginning at the west side of Hudson's river at the mouth of Quasick creek, and running from thence along the south bounds of a tract of land commonly called German patent, and the southerly bounds of a tract of land granted to Alexander Baird and company, to the east bounds of two thousand acres of land granted to Cadwallader Colden, and then across the same to the most northerly corner of the land granted to Patrick Hume, and thence along the westerly bounds thereof to the lands granted to Patrick McKnight, and then along the same southeasterly and southwesterly to the southerly corner thereof, and then continuing the last mentioned line to the town of Blooming-Grove, so as to include the lands formerly of Fletcher Matthews, shall be and continue a town by the name of New-Windsor.

Newburgh.

And that all that part of the said county of Orange bounded easterly by the middle of Hudson's river, southerly by New-Windsor, westerly by the east bounds of the tract of land granted to Cadwallader Colden and the east bounds of one thousand acres of land granted to John Johnson and the east bounds of three thousand acres of land granted to Henry Wileman, and the east bounds of three thousand five hundred acres of land granted to Rip Van Dam and others, and northerly by a line beginning on the west side of Hudson's river at the north-east corner of a tract of land granted to Francis Harrison and company, called the five thousand acre tract, and running from thence east to the middle of Hudson's river, and westerly along the north bounds of the said tract and the north bounds of another tract granted to the said Francis Harrison to the tract of land commonly called Wallace's tract, then along the lines of the same northerly and westerly to the north-easterly bounds of a tract of land granted to Jacobus Kip, John Cruger, and others, commonly called Kip and Cruger's tract, then westerly along the north-easterly and northerly bounds thereof to the north-west corner thereof, and then westerly to the north-east corner of the said tract of three thousand five hundred acres of land granted to Rip Van Dam and others, shall be and continue a town by the name of Newburgh.

Wallkill.

And that all that part of the said county of Orange bounded easterly by New-Windsor, southerly by a west line from the mouth of Murderer's creek, westerly by Shawangunk-kill, and northerly by the line commonly called the old north-west line, shall be and continue a town by the name of Wallkill.

Montgomery.

And that all that part of the said county of Orange bounded easterly by New-Windsor and Newburgh, southerly by the town of Wallkill, westerly by Shawangunk-kill, and northerly by a line beginning at the north-east corner of a tract of three thousand acres of land granted to Henry Wileman, and running thence along the north bounds thereof, to the Paltz river, commonly called the Wallkill, and then southerly up the same river to the south-west corner of a tract of four thousand acres of land granted to Gerardus Beekman and others, and then westerly and northerly along the southerly and westerly bounds thereof to the north-west corner thereof, and then north-westerly along the north bounds of the lands granted to Jeremiah Schuyler and company, to the Shawangunk-kill aforesaid, shall be and continue a town by the name of Montgomery.

Deer-Park.

And that all that part of the said county of Orange, beginning on the Shawangunk-kill at the south-west corner of the town of Wallkill, and running thence along the said kill, being the boundary line of the said town of Wallkill, to the north part of the farm now or lately occupied by Joseph Wood, junior, thence west to the river Mongaap, thence along the said river Mongaap as it runs to the Delaware river, then along the said river to the town of Minisink, and thence along the northern boundary of the said town of Minisink to the place of beginning, shall be and continue a town by the name of Deer-Park.

And that all that part of the county of Ulster bounded easterly by the middle of Hudson's river, southerly by Orange county, westerly by a line beginning on the line of the said county of Orange two chains and seventy-five links east of the north corner of a tract of land called the five patentees, from thence on a straight line northward to the most easterly bounds of Robert Tift's land, where it joins the town of New-Paltz, and northerly by a tract of land granted to Lewis Dubois and partners, called the New-Paltz patent, shall be and continue a town by the name of Marlborough.

ULSTER
County.
Marlborough

And that all that part of the said county of Ulster bounded easterly by Marlborough, southerly by Orange county, westerly by the east bounds of two thousand acres of land, granted to Peter Barberic, and the east bounds of two thousand acres of land, granted to William Huddleston, and the east bounds of two thousand acres of land, granted to Thomas Garland, and northerly by a tract of land granted to Lewis Dubois and partners, called the New-Paltz patent, and a tract of land granted to Noah Elting and Nathaniel La Fever, and a tract of land granted to Anna Mullender, commonly called Mullender's tract, and a tract of land granted to Hugh Freer, and the southerly line thereof continued to the east bounds of the said two thousand acres of land granted to the said Thomas Garland, shall be and continue a town by the name of Plattekill.

Plattekill.

And that all that part of the said county of Ulster bounded easterly by Orange county and the town of Plattekill, southerly by Orange and Sullivan counties, and northerly by a line beginning at the north-east corner of a tract of two thousand acres of land granted to William Huddleston, and running from thence along the north bounds thereof, and the north bounds of two thousand acres of land granted to Peter Matthews and others, to the mouth of Shawangunk-kill, and then westerly along the north side of the same kill as it runs to the south-west corner of the land granted to colonel Jacob Rutsen, and then along the westerly bounds thereof to the north-west corner thereof, and then along the southerly bounds of a tract of land granted to Stephen Dublois, thence along the same to the north-west corner thereof, from thence a north-west line to the highest part of the precipices of steep rocks, thence southerly along the same, as they range fronting in general south-easterly and southerly to the south-westernmost extremity of a high point of rocks on the said mountains, called Sam's point, thence along a line of marked trees south fifty-four degrees west two hundred and nine and an half chains to the county of Sullivan, shall be and continue a town by the name of Shawangunk.

Shawangunk

And that all that part of the said county of Ulster, bounded on the east by the middle of the channel of Hudson's river, from the middle of the Ronduit creek, where it empties into Hudson's river, on the south by the north bounds of the town of New-Paltz, on the west by the east bounds of the town of Hurley, until where it crosses the Ronduit creek, and on the north by the middle of the Ronduit creek, shall be and continue a town by the name of Esopus.

Esopus.

- Saugerties.** And that all that part of the said county of Ulster, bounded on the north by the north line of the county of Ulster, on the east by the middle of the channel of Hudson's river, on the south by a line beginning where the line between the seventh and Flatbush classes of the division of the commons of Kingston extended south sixty-six degrees east, will strike Hudson's river, from thence running along said line to the Esopus creek, thence up the middle of the said creek to the mouth of the Plattekill, and from thence up the middle of the Plattekill to the division line of the second and third classes of the division of the said commons, thence along the same, and to continue the same course through the southwest class to the east bounds of the town of Woodstock, on the west by the bounds of the county and the bounds of Woodstock, shall be and continue a town by the name of Saugerties.
- Kingston.** And that all that part of the said county of Ulster, bounded northerly by the town of Saugerties, on the east by the middle of Hudson's river, on the south by the town of Esopus, and westerly by the towns of Hurley and Woodstock, shall be and continue a town by the name of Kingston.
- Hurley.** And that all that part of the said county of Ulster, called the township of Hurley, including all that certain tract of land formerly comprehended within the bounds of the great or Hardenbergh patent, and released by Margaret Livingston, lately deceased, to the inhabitants of Hurley, shall be and continue a town by the name of Hurley.
- Marbletown.** And that all that part of the said county of Ulster, called Marbletown, shall be and continue a town by the name of Marbletown.
- New-Paltz.** And that all that part of the said county of Ulster, bounded northerly by Esopus and Hurley, easterly by the middle of Hudson's river, southerly by Marlborough, Plattekill and Shawangunk, and westerly by the west bounds of the New-Paltz patent, continued southerly to the southwesterly corner of the same, from thence along the highest part of the precipices of steep rocks to the northwest corner of Shawangunk, shall be and continue a town by the name of New-Paltz.
- Woodstock.** And that all that part of the said county of Ulster, bounded westerly by a line beginning at the northwest corner of the town of Hurley, at the place called Toonties hook, and running due north till it intersects the town of Windham, northerly by the bounds of the county, easterly by the towns of Kingston and Saugerties, and southerly by the town of Hurley, shall be and continue a town by the name of Woodstock.
- Shandaken.** And that all that part of the said county of Ulster, bounded southerly by the county of Sullivan, and the towns of Rochester and Marbletown, easterly by the towns of Marbletown, Hurley and Woodstock, northerly and westerly by the bounds of the county, shall be and continue a town by the name of Shandaken.
- Warwasing.** And that all that part of the said county of Ulster, lying within the following limits: beginning at the mile stone number twenty, standing on the northwest side of the public highway, leading from Kingston to Mamakating, and running from thence

south fifty degrees east to the westerly bounds of the town of Shawangunk, thence southerly along the said bounds of Shawangunk to the county of Sullivan, then westerly and northerly along the same to a line run from the place of beginning on a course north fifty degrees west, and then south fifty degrees east to the place of beginning, shall be and continue a town by the name of Warwasing.

And that all that part of the said county of Ulster, bounded southeasterly by the towns of Shawangunk and New-Paltz, southwesterly by the town of Warwasing, northerly by a line running from the northwest corner of the town of Warwasing, north, forty degrees east till it intersects a northwesterly continuation of the southwesterly bounds of Marbletown, and northeasterly by Shandaken and Marbletown, shall be and continue a town by the name of Rochester.

And that all that part of the county of Sullivan lying within the following limits: beginning on the southwesterly line of Warwasing, four miles westerly from the public highway, which leads from Kingston to Minisink, thence southerly so as to strike the bounds of the county, four miles and an half westerly from the said public highway leading from Kingston to Minisink, thence westerly along the bounds of the county to the Mongaap creek, thence northerly along the west branch of the Mongaap creek to the southerly bounds of Nevesink, thence easterly along the town of Nevesink to the bounds of the county, thence easterly along the same to the place of beginning, shall be and continue a town by the name of Thompson.

And that all that part of the said county of Sullivan, bounded westerly by the town of Thompson, northerly, easterly and southerly by the bounds of the county, shall be and continue a town by the name of Mamakating.

And that all that part of the said county of Sullivan, lying within the following limits: beginning at the Mongaap river, where the north line of great lot number one, in the Hardenbergh patent, intersects said river, running thence westerly along said line to the Delaware river, thence up the said river until it intersects the line of the county of Delaware, thence northeasterly along said line until it intersects the town of Rockland, thence southeasterly along the southwesterly bounds thereof, and the same continued to the river Mongaap, thence down said river to the place of beginning, shall be and continue a town by the name of Liberty.

And that all that part of the said county of Sullivan, bounded north by the south line of the town of Liberty, east by the west line of the town of Thompson, south by a line commencing at a place on the Mongaap creek, where the west line of the said town of Thompson is intersected by the south line of the Hardenbergh patent, thence north eighty-one degrees west to the southeast corner of lot number eighteen, in the subdivision of said patent, thence north nine degrees east, to the north line of lot number seventy-one, in the subdivision of said lot number eighteen, thence westerly along the north line of said lot number seventy-one, to the westerly bounds of this state at the Delaware river, thence northerly along the westerly bounds of this state to

the town of Liberty, shall be and continue a town by the name of Bethel.

Lumberland. And that all that part of the said county of Sullivan, bounded southwesterly and westerly by the bounds of the county, northerly by the town of Bethel, and easterly by the town of Thompson and the bounds of the county, shall be and continue a town by the name of Lumberland.

Rockland. And that all that part of the said county of Sullivan, lying within the following limits : beginning on the division of great lot number four and five, and on the division of John R. Livingston and Robert R. Livingston, in the Hardenbergh patent, and running from thence north twenty-three degrees east, until it intersects the division line of great lot number five and six, thence northwesterly along said division line to the county of Delaware, thence along the southeasterly bounds of the county of Delaware, south sixty-two degrees west twelve miles and ten chains, thence running south forty-nine degrees and thirty minutes east, so far that a course of north twenty-three degrees east, will strike the place of beginning, and then north twenty-three degrees east to the place of beginning, shall be and continue a town by the name of Rockland.

Nevisink. And that all that part of the said county of Sullivan bounded by a line beginning at the most westerly corner of the town of Warwasing, and running thence north forty-nine degrees and thirty minutes west to the southeast corner of the town of Rockland, northwesterly by the town of Rockland, northerly, northeasterly and southeasterly by the bounds of the county, shall be and continue a town by the name of Nevisink.

**DELAWARE county.
Hancock.** And that all that part of the county of Delaware bounded on the northeast by a line running north twenty-one degrees and thirty minutes west, and south twenty-one degrees and thirty minutes east from the east branch of the Delaware river, on the line between the lands of Abraham Sprague and Stephen Fuller, on the northwest by the line dividing the southeasterly from the northwesterly lots in the subdivision of great lot number thirty-five in the great Hardenburgh patent, and a northeasterly continuation of said line, and on the southwest and southeast by the bounds of the county, shall be and continue a town by the name of Hancock.

Colchester. And that all that part of the said county of Delaware bounded southwesterly by the town of Hancock, southeasterly by the bounds of the county, northwesterly by a line which is a continuation of the northwesterly bounds of the town of Hancock, till it intersects a line running as follows, viz : from the Delaware river on the division line between the great lot number thirty-seven and number thirty-eight in the Hardenbergh patent, southeasterly to the northwest corner of a tract of land now or late belonging to Jacob Tremper, then along his bounds southerly to Pagh-katagh-ken-kill, thence the same course continued to the division line between the great lots number five and number six in the said Hardenbergh patent, then southeasterly along the last mentioned line to the east bounds of the county, and northeasterly by the

line so intersected, shall be and continue a town by the name of Colchester.

And that all that part of the said county of Delaware bounded southwesterly by Colchester, southeasterly by the bounds of the county, northeasterly by a line continued southeasterly from the Delaware river, between the lots number forty and number forty-one of the original division of the great Hardenbergh patent to the Papachton river, thence across the said river to the east bounds of the county, and northwesterly by a line running from a monument in the southerly line of the town of Stamford, at the distance of six miles from Delaware river, southerly on a direct line across the highlands to a monument placed on the northerly bounds of the town of Colchester, six miles from Delaware river, shall be and continue a town by the name of Middletown.

And that all that part of the said county of Delaware beginning at the most easterly corner of the town of Delhi, and running thence easterly to the highest peak of the high mountain where the head of Rose's brook rises, thence following the ridge or chain of mountains northerly from peak to peak to the highway or road on the top of the mountain that leads from the town plot so called to the dwelling house now or late of John Moore, Esquire, thence due north to the northeasterly bounds of the county, thence southeasterly along the same to the town of Windham, thence along the same southwesterly to the town of Middletown, and thence along the same northwesterly to the place of beginning, shall be and continue a town by the name of Roxbury.

And that all that part of the said county of Delaware bounded westerly by the Delaware river, northerly by the same and the north bounds of the county, easterly by Roxbury, and southerly by the northeasterly line of the town of Delhi, being a continuation of the line above mentioned and described as forming part of the northeasterly bounds of Middletown, shall be and continue a town by the name of Stamford.

And that all that part of the said county of Delaware bounded northeasterly and northwesterly by the bounds of the county, southeasterly by Stamford, and southwesterly by the division line between the patents of Kortright and Harpersfield, shall be and continue a town by the name of Harpersfield.

And that all that part of the said county of Delaware, beginning on the Cookquago branch of the Delaware river, where it is intersected by a southeasterly continuation of the northeasterly bounds of Babington's patent, thence northwesterly along the said bounds, so continued to the bounds of the town of Franklin, thence northeasterly on said division line continued to the bounds of the town of Meredith, thence southeasterly and northeasterly along the lines of said town, to the southerly bounds of a tract of land granted to Goldsbrow Banyar, being the south bounds of the town of Kortright, then along the same to Delaware river, thence up the same to the southwesterly bounds of the town of Stamford, thence southeasterly on said southwesterly line, six miles, to the north corner of the town of Middletown, thence southwesterly along the bounds of Middletown, to the northerly bounds of

Colchester, thence northwesterly along the line above mentioned and described as forming part of the northeasterly bounds of Colchester, to the place of beginning, shall be and continue a town by the name of Delhi.

Meredith:

And that all that part of the said county of Delaware contained within the following bounds, to wit: beginning at a stake and stones near the dwelling house now or late of Andrew Dibble, standing in the line between the patents of Franklin and Goldsborough, as also in the division line between the towns of Delhi and Franklin, near Elk creek so called, thence south fifty-eight degrees and fifteen minutes west, seven miles and three rods to a stake and stones standing in the middle subdivision line of the patent of Whitesborough, thence along said middle line across the division line between the towns of Delhi and Franklin, north thirty-one degrees and forty-five minutes west five miles and fifty-one rods and ten links to a small beech tree near the dwelling house now or late belonging to Joseph Brimhall, thence in the line between lots number fourteen, fifteen, four and five of the said patent of Whitesborough, north fifty degrees and fifteen minutes east two miles, one quarter and eight rods to a stake and stones, thence continuing the same course seven miles and three rods to a certain point bearing north thirty-one degrees and forty-five minutes west, and distant fifty-one rods and ten links from a stake and stones near a maple tree blazed and marked I. BDZH, and from thence in a line of marked trees south thirty-one degrees and forty-five minutes east five miles fifty-one rods and sixteen links, and from thence south fifty-eight degrees and fifteen minutes west two miles one quarter and eight rods, to the place of beginning, shall be and continue a town by the name of Meredith.

Kortright.

And that all that part of the said county of Delaware bounded northwesterly by the bounds of the county, northeasterly by Harpersfield, southeasterly by the Delaware river and the town of Meredith, and southwesterly by the towns of Delhi and Meredith and the northeast line of the tract of land formerly granted to Henry White and others, shall be and continue a town by the name of Kortright.

Franklin.

And that all that part of the said county of Delaware, bounded northwesterly by the bounds of the county, southeasterly by a line continued from a beech tree marked F. W. being five miles distant from the Delaware river on the northeast line of a tract of land formerly granted to Henry White and others south sixty degrees west to the west corner of Delhi, thence south eighty-eight degrees west until it intersects the state road, thence south sixty-two degrees west to the line of property, westerly by a line beginning at a large black oak tree marked T. C. standing on the bank of the Susquehannah river on lot number thirty-three in Wallace's patent, and running thence south fourteen degrees west to the state road, thence due south to the beforementioned line, and northeasterly by the towns of Meredith and Kortright, shall be and continue a town by the name of Franklin.

Nasonville.

And that all that part of the said county of Delaware, bounded as follows, to wit: beginning at a certain station on the line

of property, and on the east bounds of the town of Jericho, in the county of Chenango, which shall be west from the northwest corner of great lot number nine in Evans's patent, thence east to the said corner, thence easterly on the north bounds of the said great lot number nine, and on the north bounds of great lots number ten and eleven of the said patent to the northeast corner of said lot number eleven, thence south about fifty-seven degrees east so as to intersect the northerly bounds of the town of Walton sixty chains westerly from the southwest corner of the town of Franklin, thence southwestwardly on the northerly bounds of the towns of Walton and Tompkins to the line of property aforesaid, thence along the same northerly to the place of beginning, shall be and continue a town by the name of Masonville.

And that all that part of the said county of Delaware, bounded southerly by the town of Masonville, westerly and northerly by the bounds of the county, and easterly by the town of Franklin, shall be and continue a town by the name of Sidney.

And that all that part of the said county of Delaware, lying within the following limits, beginning where the southwest line of a gore of land in Rapelje's patent, belonging to the late William Cockburn, crosses the division line between the towns of Masonville and Tompkins, thence running on the said line southeasterly to the corner of lots number one hundred and two, one hundred and eleven, one hundred and nineteen, and one hundred and twenty, then on a course south two degrees east four hundred and twenty-five chains till it strikes lot number two hundred and six, thence south eighty-nine degrees west ninety chains till it strikes the corner of lot number two hundred, thence south two degrees east to the river Delaware, thence south sixty-one degrees east on the line between the lots number thirty-five and thirty-six in the great Hardenbergh patent to the line which is the northwesterly bounds of the towns of Hancock and Colchester, thence along the said line to the town of Delhi, thence along the southwesterly bounds of Delhi to the town of Franklin, and thence along the towns of Franklin, Sidney and Masonville to the place of beginning, and the tract lying between the southwesterly line of a tract of land commonly called Leake's patent now Norton's tract, and the tract above described, shall be and continue a town by the name of Walton.

And that all that part of the said county of Delaware, bounded northwesterly by Masonville, easterly by Walton, southerly by Hancock, and westerly by the bounds of the county, shall be and continue a town by the name of Tompkins.

And that all that part of the county of Columbia, bounded westerly by the county of Greene, northerly by the county of Rensselaer, southerly by the north bounds of the city of Hudson as far as to the first falls in Major Abraham's creek, and from thence running east to the southwest corner of the town of Chatham, and easterly by a line beginning at a point where the southern boundary line of the county of Rensselaer intersects the Latches Vlackie creek, and running thence southerly through the middle of the said creek to the little lake, thence southerly on a direct line through the great fish lake to the Gardiner point at the south

end of said lake, thence southerly in a direct line to the bridge on the Klinekill creek a little east of the house formerly owned by Cornelius Van Schaick, deceased, thence southerly along the said creek to the southernmost point of the great bend opposite the house formerly belonging to Myndert Vosburgh, deceased, thence southerly in a direct line towards the house of Martin H. Hoffman until it intersects the northern boundary line of the town of Claverack, shall be and continue a town by the name of Kinderhook.

Chatham.

And that all that part of the said county of Columbia, bounded westerly by Kinderhook, northerly by the county of Rensselaer, easterly by a line running from a place in the north line of the county of Columbia thirteen miles distant from Hudson's river, southerly in a direct line until it strikes the northern boundary line of the town of Hillsdale three miles east from the northwest corner thereof, and southerly by the said east line from the first falls in Major Abraham's creek aforesaid continued to the southwest corner of the town of Canaan, shall be and continue a town by the name of Chatham.

Canaan.

And that all that part of the said county of Columbia, bounded westerly by Chatham, northerly by the county of Rensselaer, easterly by the east bounds of the state, and southerly by the said east line from the first falls in Major Abraham's creek aforesaid continued to the east bounds of this state, shall be and continue a town by the name of Canaan.

Claverack.

And that all that part of the said county of Columbia, bounded southerly by the Manor of Livingston, westerly by the city of Hudson, northerly by Kinderhook and Chatham, and easterly by a line beginning on the said east line from the first falls on Major Abraham's creek at a place three miles west from the southwest corner of the town of Canaan, and running thence south fourteen degrees west to the Manor of Livingston, shall be and continue a town by the name of Claverack.

Hillsdale.

And that all that part of the said county of Columbia, bounded westerly by Claverack, northerly by Chatham and Canaan, easterly by the east bounds of this state, and southerly by the northerly line of lot number one in the division of the Manor of Livingston, shall be and continue a town by the name of Hillsdale: *Provided*, That nothing herein contained shall be deemed to affect or injure the rights of individuals claiming property in either of the towns of Hillsdale or Granger.

Granger.

And that all that part of the said county of Columbia included within certain lots known as lots number one and two in the division of the Manor of Livingston, shall be and continue a town by the name of Granger.

Ancram.

And that all that part of the said county of Columbia included within the bounds of certain lots known as lots number three and four in the division of the manor of Livingston, shall be and continue a town by the name of Ancram.

Clermont.

And that all that part of the said county of Columbia beginning on the south side of the mouth of a certain river commonly called Roeloff Jansen's kill, and running thence along the south side of the said river easterly until it strikes the farm now or late in the occupation of Marcus Platner and Jacob Heermance,

and then along the westerly, northerly and easterly part of the same farm to the south side of the said creek or river, and then along the southerly side thereof to the south bend thereof where it meets with the north line of the county of Dutchess, and thence westerly along the line of the county of Dutchess to the middle of Hudson's river, and then northerly up along the middle of Hudson's river to a point opposite to the place of beginning, and then east to the place of beginning, shall be and continue a town by the name of Clermont, excepting thereout the tract of country called the German or East-Camp.

And that all that part of the said county of Columbia commonly called and known by the name of the German or East-Camp, shall be and continue a town by the name of Germantown. Germantown

And that all the remaining part of the said county of Columbia, except the city of Hudson, shall be and continue a town by the name of Livingston. Livingston

And that all that part of the county of Greene bounded southeasterly, southerly, westerly and northwesterly, by the bounds of the county, easterly and northeasterly by a line running from the northwest corner of the town of Saugerties, in the county of Ulster, so as to include all those several parts of the county of Greene lying west and southerly of the summit of the Catskill mountains, shall be and continue a town by the name of Windham. GREENE
County.
Windham.

And that all that part of the said county of Greene, included in the following bounds, viz : beginning at the line of Columbia county opposite to a point of a rock at Hudson's river near to a place called Planke-Pat, thence running north eighty degrees west from said rock six hundred and fifteen chains to the east bounds of the town of Greenville, thence north seven degrees and ten minutes east three hundred and twenty-three chains and fifty links along the east bounds of the said town of Greenville to the county line which divides the counties of Greene and Albany, thence north eighty-six degrees and thirty minutes east along the said county line to the county of Columbia in the Hudson's river, thence southerly along the line of the county of Columbia to the place of beginning, shall be and continue a town by the name of New-Baltimore. New-Baltimore.

And that all that part of the said county of Greene bounded by a line beginning at the northwest corner of the patent of Augustus Prevoost, thence running easterly along the south bounds of the county of Albany until it strikes the line of Coeymans confirmation, thence easterly along the said south bounds of the county of Albany three and an half miles, thence running a line southerly to the Schoharie turnpike road parallel with the said line of confirmation and a line continued south from the southwest corner thereof, thence westerly along said turnpike road until it intersects the said line of confirmation continued south in manner aforesaid, thence south sixty-five degrees and thirty-six minutes west to the middle of Catskill creek, thence up the middle of said creek until it intersects a straight line to be drawn in continuation of the west line of Augustus Prevoost's patent, thence along the line so intersected and the west line of said pa-

Greenville.

tent to the place of beginning, shall be and continue a town by the name of Greenville.

Cairo.

And that all that part of the said county of Greene included within the following bounds: beginning at an oak tree on the bank of the Peetick creek near the fulling-mill now or late of Ezekiel Benton in the town of Coxsackie, thence northerly along said creek until it intersects the Schoharie turnpike road at or near the dwelling-house now or late of Calvin Wright, thence westerly along said turnpike road until it intersects the line of Coeymans confirmation continued south from the southwest corner thereof, thence southerly to the Susquehannah turnpike road two chains south of the dwelling-house now or late of Daniel Crane, thence in a direct line to the Batavia road one chain north of the dwelling-house now or late of Bildad Hines, thence continuing said line to the summit of the Catskill mountains, thence southerly along the top of said mountains until it intersects a line run from the place of beginning, which said line is south sixty degrees west, thence along said line to the place of beginning, shall be and continue a town by the name of Cairo.

Durham.

And that all that part of the said county of Greene bounded northerly by the county of Albany, westerly and southwesterly by Windham and the west bounds of the county, southeasterly by the town of Cairo, and easterly by the town of Greenville, shall be and continue a town by the name of Durham.

Catskill.

And that all that part of the said county of Greene bounded southerly and westerly by the county of Ulster and the town of Windham, northwesterly by the town of Cairo, and northerly by a line beginning at the south bank of the mouth of the Murderer's kill at Lunenbergh, and running from thence east to the middle of Hudson's river, and north eighty degrees west to the bounds of the town of Cairo, and easterly by the bounds of the county, shall be and continue a town by the name of Catskill.

Coxsackie:

And that all that part of the said county of Greene bounded easterly by the bounds of the county, southerly by Catskill, westerly by Greenville and Cairo, and northerly by New-Baltimore, shall be and continue a town by the name of Coxsackie.

RENSSE-
LAER
County.
Schacticoke.

And that all that part of the county of Rensselaer bounded southerly by Lansingburgh and Brunswick, westerly by the bounds of the county, northerly by the bounds of the county to Hosick river, and easterly and southeasterly by a line running from thence down along Hosick river as it runs to Veile's or Toll's bridge, and then a direct course to the westernmost corner of the grist-mill now or late of Michael Vandercook in Cooks-burgh, and from thence in the same direction to the manor of Rensselaerwyck, shall be and continue a town by the name of Schacticoke.

Pittstown.

And that all that part of the said county of Rensselaer bounded southerly by Brunswick and Grafton, westerly by Schacticoke, northerly by Schacticoke and the north bounds of the county, and easterly by a line beginning at the distance of ten miles east from Hudson's river on the north line of Schacticoke continued east, and running from thence to a place in the north bounds of Grafton at the distance of thirteen miles from Hud-

son's river, shall be and continue a town by the name of Pittstown.

And that all that part of the said county of Rensselaer bounded easterly by the east bounds of this state, southerly by Petersburg and Grafton, westerly by Pittstown, and northerly by the north bounds of the county, shall be and continue a town by the name of Hosick.

And that all that part of the said county of Rensselaer bounded southerly by the county of Columbia, westerly by the county of Albany including such of the islands in Hudson's river as are nearest the east side thereof, northerly by Greenbush and Sand-Lake, and easterly by a line running from the eight mile stake standing a little east of the house now or late of Timothy Phillips, and extending southerly to the grist-mill pond, late belonging to Jonathan Hoag, deceased, and thence southerly as the creek runs to the north bounds of the county of Columbia, shall be and continue a town by the name of Schodack.

And that all that part of the said county of Rensselaer, bounded southerly by the county of Columbia, westerly by the town of Schodack, easterly by Stephentown, and northerly by the towns of Sand-Lake and Berlin, shall be and continue a town by the name of Nassau.

And that all that part of the said county of Rensselaer bounded easterly by the east bounds of this state, southerly by the county of Columbia, westerly by a line running parallel with the said east bounds at the distance of eight miles from the same, and northerly by the town of Berlin, shall be and continue a town by the name of Stephentown.

And that all that part of the said county of Rensselaer bounded on the north by an east and west line heretofore run through a point on the east bank of Hudson's river, sixteen miles from the southwest corner of the county, on the east by a line south seventeen degrees and fifty-seven minutes west from a point in the before mentioned line five miles easterly from said bank of Hudson's river, on the south by a line run south eighty-six degrees and forty-eight minutes west, as the needle pointed in the year one thousand seven hundred and ninety-five, through a point which is six hundred and thirty-two chains from the north bounds of the manor of Rensselaerwyck, in a line heretofore run from a point in said bounds nine miles from Hudson's river to a point in the south bounds of the county ten miles distant from said river, and on the west by the bounds of the county, shall be and continue a town by the name of Greenbush.

And that all that part of the said county of Rensselaer bounded as follows: beginning at the northeast corner of Greenbush, and running thence along the north bounds of said town, continued east to a point in said continuation thirteen miles distant from Hudson's river, thence southerly parallel to a line drawn from a point in the north bounds of the manor of Rensselaerwyck ten miles distant from Hudson's river to a point in the south bounds of the county eleven miles distant from said river to the south bounds of Greenbush continued east, thence westerly along the same to the southeast corner of Greenbush, and thence north-

erly along the east bounds thereof to the place of beginning, shall be and continue a town by the name of Sand-Lake, but that the house of Andrew Weatherwax shall be considered as in the town of Sand-Lake.

Berlin.

And that all that part of the said county of Rensselaer bounded easterly by the east bounds of this state, westerly by the town of Sand-Lake, southerly by a line drawn from the south-east corner of the town of Sand-Lake, running east to the line of the state of Massachusetts, and northerly by a line drawn from the northeast corner of the town of Sand-Lake, and running east until it intersects the east line of the public highway, leading from Stephentown to Hosick, thence south-easterly to a point in the south line of the farms now or late of Silas Maxon and Silas Maxon, junior, and in the north line of the farm now or late of Elijah Millard, on the summit of the mountain, thence on the summit of said mountain easterly and northerly as it winds and turns until it intersects a line beginning on the height of land in the west line of the land now or late of Archibald Jones, and running from thence southerly and easterly on the said height of land to the east bounds of this state, and thence along the line so intersected to the said east bounds of this state, shall be and continue a town by the name of Berlin.

Lansingburgh.

And that all that part of the said county of Rensselaer bounded northerly by the north bounds of the manor of Rensselaerwyck, easterly by a line beginning on the said north bounds one mile east of Hudson's river, and running thence southerly parallel to the said river to the north line of the village of Troy, southerly by the said north line of the village of Troy, and westerly by the bounds of the county, shall be and continue a town by the name of Lansingburgh.

Troy.

And that all that part of the said county of Rensselaer bounded southerly by Greenbush, westerly by the county of Albany, northerly by a line beginning at a point in the division line between the counties of Albany and Rensselaer opposite to the mouth of the creek on which the mill now or late of John D. Vanderheyden stands, and running from thence due east to the foot of the first range of hills, being the southeast corner of Lansingburgh, and easterly by a line running parallel to Hudson's river, from the said southeast corner of Lansingburgh to the north line of Greenbush, shall be and continue a town by the name of Troy.

Brunswick.

And that all that part of the said county of Rensselaer bounded westerly by the towns of Lansingburgh and Troy, southerly by the towns of Greenbush and Sand-Lake, northerly by the towns of Schacticoke and Pittstown, and easterly by a line to commence on the north bounds of the manor of Rensselaerwyck seven miles and one third of a mile east of the northeast corner of the town of Lansingburgh, thence running southerly in a straight direction to intersect the north line of the town of Sand-Lake seven miles and one third of a mile east of the southeast corner of the town of Troy, shall be and continue a town by the name of Brunswick.

And that all that part of the said county of Rensselaer, bound- Grafton.
ed westerly by the town of Brunswick, southerly by Sand-Lake
and Berlin, northerly by the north bounds of the manor of Rens-
selaerwyck, easterly by a line to commence on the said north
bounds seven miles east of the northeast corner of Brunswick,
and running from thence southerly parallel to the east line of
Brunswick to the north line of Berlin, shall be and continue a
town by the name of Grafton.

And that all that part of the said county of Rensselaer, bound- Petersburgh
ed southerly by Berlin, easterly by the east bounds of the state,
northerly by the north bounds of the manor of Rensselaerwyck,
and westerly by the town of Grafton, shall be and continue a
town by the name of Petersburgh.

And that all that part of the county of Washington, bounded WASHINGTON
county
Cambridge.
easterly by the east bounds of this state, southerly by the county
of Rensselaer, westerly by the east bounds of Saratoga patent,
and northerly by the river called Battenkill, shall be and conti-
nue a town by the name of Cambridge.

And that all that part of the said county of Washington, bound- Easton.
ed southerly by the county of Rensselaer, easterly by Cambridge,
westerly by the bounds of the county, and northerly by Batten-
kill, shall be and continue a town by the name of Easton.

And that all that part of the said county of Washington, bound- Greenwich.
ed southerly by Easton and Cambridge, westerly by the bounds of
the county, easterly by the east bounds of a tract of land called
the township of Argyle, and northerly by a line to be drawn
from the west bounds of the said county at a point due west from
the northwest corner of a farm now or late occupied by Solo-
mon Smith, then running east to the said corner and on the north
line of said farm to the west line of Argyle patent, thence run-
ning southerly on the said west line of the Argyle patent
to the north line of a patent granted to Donald Campbell and
others, in the year one thousand seven hundred and sixty-three,
thence running easterly as the north line of the said Campbell's
patent now runs to the northeast corner thereof, thence on a di-
rect line to the northwest corner of lot number twenty-nine in
the Argyle patent, from thence running due east to the east
bounds of the said tract of land called the township of Argyle,
shall be and continue a town by the name of Greenwich.

And that all that part of the said county of Washington bound- Argyle.
ed southerly by Greenwich, westerly by the bounds of the coun-
ty, northerly by a tract of land called Kingsbury and a tract of
land called the Provincial patent, and easterly by the east bounds
of a tract of land called the township of Argyle, shall be and
continue a town by the name of Argyle.

And that all that part of the said county of Washington bound- Salem.
ed easterly by the east bounds of this state, southerly by Cam-
bridge, westerly by Argyle and Greenwich, and northerly by the
north bounds of a tract of land called Turner's patent and a line
running from the northeast corner thereof, east to the east bounds
of the county of Washington, shall be and continue a town by
the name of Salem.

And that all that part of the said county of Washington bound- Hebron.

ed easterly by the east bounds of this state, southerly by Salem aforesaid, westerly by Argyle and the said tract of land called the Provincial patent, and northerly by an east and west line run from the southeast corner of a tract of land formerly granted to Lieutenant Byrn, shall be and continue a town by the name of Hebron.

Granville.

And that all that part of the said county of Washington bounded easterly by the east bounds of this state, southerly by Hebron aforesaid, westerly by the said tract called the Provincial patent and a tract of land called the Artillery patent, and northerly by a tract of land heretofore called Skeensborough and a line running east from the southeast corner thereof to the east bounds of this state, shall be and continue a town by the name of Granville.

Hampton.

And that all that part of the said county of Washington bounded easterly by the east bounds of this state, southerly by Granville aforesaid, westerly by the said tract of land heretofore called Skeensborough and a line running from the northeast corner thereof north to the north bounds of this state, shall be and continue a town by the name of Hampton.

Whitehall.

And that all that part of the said county of Washington bounded easterly by Hampton, southerly by the south bounds of the tract of land heretofore called Skeensborough, westerly by the west bounds of the said tract and the waters of South-Bay, and northerly by the north bounds of this state, shall be and continue a town by the name of Whitehall.

Kingsbury.

And that all that part of the said county of Washington bounded easterly by the said tract of land called the Provincial patent, southerly by Argyle and Hudson's river, westerly by the west bounds of a tract of land called Kingsbury, and northerly by the north bounds of the said tract of land called Kingsbury, shall be and continue a town by the name of Kingsbury.

Fort-Ann.

And that all that part of the said county of Washington bounded southerly by Kingsbury and the Provincial patent, easterly by Granville and Whitehall, northerly by a line to be drawn from the head of South-Bay on Lake Champlain to a place called Shelving-rock on Lake George, and westerly by a line beginning at the northwest corner of the town of Kingsbury and running in the direction of Kingsbury west bounds till it strikes the waters of Lake George, thence along the waters of said lake to the said place called Shelving-rock, shall be and continue a town by the name of Fort-Ann.

Putnam.

And that all that part of the said county of Washington bounded southerly by the towns of Fort-Ann and Whitehall, westerly by Lake George, easterly by the state of Vermont, and northerly by the north bounds of the county, shall be and continue a town by the name of Putnam.

Hartford.

And that all that part of the said county of Washington commonly called and known by the name of the Provincial patent lying easterly of the town of Kingsbury, shall be and continue a town by the name of Hartford.

WARREN
County.
Queensbury.

And that all that part of the county of Warren bounded easterly by Fort-Ann and Kingsbury, westerly by Luzerne and

Caldwell, northerly by Lake George and Caldwell, and southerly by the bounds of the county, shall be and continue a town by the name of Queensbury.

And that all that part of the said county of Warren bounded on the east by a line running parallel with the west line of the lands granted by the ancient letters patent of the township of Queensbury at the distance of one mile west of the said west line and the same continued north, on the north by an easterly continuation of the north bounds of the county of Saratoga, and on the west and south by the bounds of the county, shall be and continue a town by the name of Luzerne.

Luzerne.

And that all that part of the said county of Warren beginning at the northeast corner of Shonnard's patent so called on the west shore of Lake George, and running thence westerly to the northeast corner of Moses and Levy's patent, thence along the north line of said patent to the Schroon river, thence down the said river to a point five rods above where it is crossed by the road that leads from Lake George, thence south to the north line of the town of Luzerne continued east, then west to the northeast corner of Luzerne, thence south along the east bounds thereof to a westerly continuation of the north bounds of the patent of Queensbury, thence easterly along the said north bounds of Queensbury and the continuation thereof as aforesaid to the southeast corner of Houghton's patent, thence northerly along the east line of said patent as run by William Robards to the northeast corner thereof, and from thence crossing Lake George to the place of beginning, shall be and continue a town by the name of Caldwell.

Caldwell.

And that all that part of the said county of Warren beginning at the northeast corner of Shonnard's patent on the west shore of Lake George and running westerly along the north bounds of the town of Caldwell to Schroon river, thence northerly on the east bank of Schroon river and lake to the south line of the town of Hague, thence easterly on the south line of the town of Hague continued to the east side of Lake George, thence southerly on the east bank of Lake George to the northeast corner of Houghton's patent, thence along the east line of the town of Caldwell to the place of beginning, shall be and continue a town by the name of Bolton.

Bolton.

And that all that part of the said county of Warren, beginning on the east bank of Hudson's river, where the south line of Essex county crosses the said river, thence due east on the south line of Essex county, to the east side of Schroon lake, or the west line of the town of Hague, thence southerly on the west lines of the towns of Hague and Bolton, to the north corner of what was formerly called Hyde township, thence south fifty-nine degrees west to the river Hudson, thence northerly on the east bank of the said river to the place of beginning, shall be and continue a town by the name of Chester.

Chester.

And that all that part of the said county of Warren, beginning at the southwest corner of the town of Chester, and running thence along the line of Hyde township, to the northwest corner thereof, thence west to the line of the county of Mont-

Johnsburgh.

gomery, thence along said line to the corner of the county of Warren, thence along the lines of the counties of Essex and Warren, to the northwest corner of the town of Chester, thence along the line of the said town of Chester to the place of beginning, shall be and continue a town by the name of Johnsburgh.

Warrens-
burgh.

And that all that part of the said county of Warren, beginning at the northwest corner of the town of Luzerne, on the east bank of Hudson's river, thence eastwardly along the north line of the said town of Luzerne, until it intersects the west line of the town of Caldwell, thence along the west line of the said town of Caldwell, to the center of Schroon river, thence up said Schroon river to the south line of the town of Chester, thence along the south line of the said town of Chester, to the north branch of Hudson's river, thence down said river to the place of beginning, shall be and continue a town by the name of Warrensburgh.

Athol.

And that all that part of the said county of Warren beginning on the west bank of Hudson's river, where the north line of the county of Saratoga intersects said river, thence along the north line of the said county of Saratoga, to the east line of the county of Montgomery, thence along the east line of the said county of Montgomery to a point from which a due east line will strike the northwest corner of Hyde township, thence along the north line of said township, to the north branch of Hudson's river, thence down said river to the place of beginning, shall be and continue a town by the name of Athol.

Hague.

And that all that part of the said county of Warren beginning at a hemlock tree on the west shore of Lake George, nearly opposite the south end of Vicar's island, then north fifty-eight degrees west to the Schroon lake, thence northerly on the east shore of said lake to the south line of the county of Essex, thence easterly along the said line to the east shore of Lake George, thence southerly along the east shore of said lake until it intersects a line to be drawn from the place of beginning, on a course south fifty-eight degrees east, and then along said line to the place of beginning, shall be and continue a town by the name of Hague.

ESSEX
county.
Schroon.

And that all that part of the county of Essex, bounded by a line beginning eight miles west from the southeast corner of said county following the south bounds of the county of Essex, thence north two degrees west until it intersects a line running west from the long bridge near the head of Bulwaggy bay, to the west bounds of the county, thence west along the line so intersected, to the west bounds of the county, thence along the west bounds of the county to the south bounds of the county, and then along the same east to the place of beginning, shall be and continue a town by the name of Schroon.

Tianderoga

And that all that part of the said county of Essex, bounded by a line beginning at the southeast corner of said county, thence running due west eight miles, thence north two degrees west until it intersects a west line drawn from the northeast corner of Sutherland's patent on the lake shore, thence east to the east bounds of this state, thence south along the east bounds of this

state to the place of beginning, shall be and continue a town by the name of Ticonderoga.

And that all that part of the said county of Essex, bounded south-^{Crownpoint}erly by Ticonderoga, westerly by the town of Schroon, easterly by the east bounds of this state, and northerly by the town of Moriah, shall be and continue a town by the name of Crownpoint.

And that all that part of the said county of Essex, bounded by a ^{Keene}line beginning in the south line of Judd's patent, continued westerly to the west bounds of the county at a place where the division line between lots number eighty one and eighty-seven of Stephen Thorn's survey intersects the said south line, thence north six miles and one quarter, thence west in the course of the south line of a lot of land now or late in possession of Comfort Johnson to the east line of township number eleven of the old military tract, thence north three miles and one quarter, thence west to the west line of the county of Essex, thence south along the said west line to the northwest corner of the town of Moriah, thence east along the north bounds of the said town of Moriah until it intersects a line running south from the place of beginning, and then north to the place of beginning, shall be and continue a town by the name of Keene.

And that all that part of the said county of Essex, bounded by ^{Moriah}a line beginning at a point in the east bounds of the county east from Rogers's wharf on Lake Champlain, and running thence west to said Rogers's wharf, thence northwesterly to the northeast corner of the farm now or late of Jedediah Edgerton, junior, thence west to the west line of the county of Essex, thence southerly along the said west line to the northwest corner of the town of Schroon, thence east along the north bounds of the said town of Schroon, and the same continued to the middle of the long bridge near the head of Bulwaggy bay, thence northerly through the middle of said bay to the mouth thereof, thence east to the east bounds of the county, thence along the said east bounds to the place of beginning, shall be and continue a town by the name of Moriah.

And that all that part of the said county of Essex, bounded ^{Elizabeth-}westerly by the town of Keene, southerly by the town of Moriah, ^{town}easterly by the east bounds of this state, and northerly by the south line of Judd's patent, continued easterly to the east bounds of this state and westerly till it intersects the east line of the town of Keene, shall be and continue a town by the name of Elizabethtown.

And that all that part of the said county of Essex, bounded by ^{Chesterfield}a line beginning at a tree called the twelve mile tree in the easterly bounds of the town of Jay, thence running northerly on the height of land to the south line of the county of Clinton, and thence easterly along the south line of said county as far as the county of Essex extends, thence southerly along the east line of said county until it comes opposite the north shore of the bay of Peru, thence to the said north shore and along the same to Howell's brook, and thence westerly to the place of beginning, shall be and continue a town by the name of Chesterfield.

And that all that part of the said county of Essex, bounded by ^{Essex}

a line beginning at the distance of thirty-two rods north of the southeast corner of a patent originally granted to John Conoly, thence west as the magnetic needle pointed in the year one thousand seven hundred and sixty-four to the northwest corner of Brookfield patent, or to a line running due north from the northwest corner of said patent to the north line of the town of Willsborough, thence south to the north line of Elizabethtown, thence easterly along said north line to the east bounds of the county of Essex, thence northerly through the middle of Lake Champlain to a point due east from the place of beginning, and from thence to the place of beginning, shall be and continue a town by the name of Essex.

Lewis

And that all that part of the said county of Essex, bounded by a line beginning at the southwest corner of the town of Essex, and running thence north to the town of Chesterfield, thence westerly along the town line of the said town of Chesterfield to the town of Jay, thence southerly along the east line of the town of Jay to the town of Elizabethtown, and from thence easterly along the north line of Elizabethtown, to the place of beginning, shall be and continue a town by the name of Lewis.

Jay

And that all that part of the said county of Essex, bounded easterly by the towns of Lewis and Chesterfield, northerly by the north bounds of the county, southerly by the towns of Keene and Elizabeth, and westerly by the town of Keene and the west bounds of the county, shall be and continue a town by the name of Jay.

Willsborough

And that all that part of the said county of Essex, bounded northerly by the town of Chesterfield, easterly by the east bounds of the state, southerly by Essex, and westerly by the town of Lewis, shall be and continue a town by the name of Willsborough.

CLINTON
county
Peru

And that all that part of the county of Clinton, bounded northerly by a line beginning in the east bounds of this state on an east point from the southeast corner of a tract of land granted to John Friswell, from thence running west on the south line of the tract aforesaid to the southwest corner thereof, then north to Plattsburgh patent, then west on the south line of the patent aforesaid, and the same course westward to the west bounds of the county, westerly and southerly by the bounds of the county, and easterly by the east bounds of the state, shall be and continue a town by the name of Peru.

Plattsburgh

And that all that part of the said county of Clinton, bounded southerly by Peru, westerly by the town of Mooers and the bounds of the county, northerly by the town of Mooers and the north line of a patent granted to William Beckman and others, continued westward to the town of Mooers, and eastward to the east bounds of this state, and easterly by the east bounds of this state, shall be and continue a town by the name of Plattsburgh.

Chazy.

And that all that part of the said county of Clinton bounded northerly by a line beginning on the lake shore at the southeast boundary of lot number fifteen, said lot being a part of the lands granted by the state of New-York to certain Canadian and Nova-Scotia refugees, thence by the south line of said lot westerly and on the north line of a tract of land known by Bell's patent,

originally granted to Hezekiah Tuttle, and westerly upon the north line of eighty acre lots, to wit: numbers one hundred and forty-five, one hundred and sixty-three, one hundred and seventy-eight, one hundred and forty-three, one hundred and ninety-five, two hundred and seventeen and two hundred and thirty-two, and from the northwest corner of the last mentioned lot running a straight line to the northeast corner of lot number eight, being a lot of four hundred and twenty acres, and part of those lands granted as aforesaid, from thence westerly on the north line of lots number eight, twenty-five, thirty-two, forty-nine, sixty-three, eighty, eighty-seven, one hundred and four, one hundred and twelve, one hundred and twenty-nine, one hundred and thirty-eight, one hundred and fifty-five, one hundred and sixty-six, one hundred and eighty-three and one hundred and ninety-two, and from thence on the same course to the east bounds of township number six, in a tract of land in said county formerly set apart for the use of the troops of the line of this state lately serving in the army of the United States, thence southerly along the east bounds of the said township number six, and of township number five in the said tract to the town of Plattsburgh, then along the same east to the east bounds of the state, then along the same northerly to a point east from the place of beginning, and then west to the place of beginning, shall be and continue a town by the name of Chazy.

And that all that part of the said county of Clinton bounded southerly by Chazy, easterly by the east bounds of this state, northerly by the north bounds of this state, and westerly by a line beginning at the northwest corner of lot number eight, containing four hundred and twenty acres, and is part of the lands granted by the state of New-York to certain Canadian and Nova-Scotia refugees, running thence northerly upon the west line of lots number nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen, to the north bounds of this state, shall be and continue a town by the name of Champlain.

And that all that part of the said county of Clinton bounded by a line beginning at the southwest corner of township number five, in a tract of land in said county, formerly set apart for the use of the troops of the line of this state lately serving in the army of the United States, and running thence along the south line of said township to the southeast corner thereof, thence northerly along the east bounds of the said township number five, and of township number six, in the said tract to the northwest corner of the town of Chazy, thence easterly along the north bounds of the town of Chazy to the southwest corner of Champlain, thence northerly along the west bounds of Champlain to the north bounds of the state, northerly by the north bounds of the state, and westerly by the bounds of the county, shall be and continue a town by the name of Mooers.

And that all that part of the county of Franklin, bounded northerly by the north bounds of the state, easterly by the county of Clinton, southerly by the county of Essex, and westerly by the towns of Malone and Constable, shall be and continue a town by the name of Chateaugay.

Champlain.

Mooers

FRANKLIN
County.
Chateaugay.

Constable. And that all that part of the said county of Franklin bounded northerly by the north bounds of this state, easterly by the west line of number seven of the old military townships, southerly by the towns of Dickinson and Ezrville, and westerly by the west bounds of the county, shall be and continue a town by the name of Constable.

Dickinson. And that all that part of the said county of Franklin comprising the townships of Moira, Annastown, Williamsville, Dayton, John's manor, Cheltenham, Loughneagh and Mount-Morris, shall be and continue a town by the name of Dickinson.

Bangor. And that all that part of the said county of Franklin bounded west by Dickinson, and on the south, east, and north by a line beginning at the southeast corner of Dickinson, and running thence east on the south line of great section number one in Macomb's purchase to the west line of Essex county, thence north on the west line of said Essex county to the northwest corner thereof, thence east on the north line of said county to the west line of a township in Macomb's purchase, known by the name of Harrietstown, thence north on west line of said Harrietstown, Brighon, Fowler, Ewerettville, Shelah and Malone, to the northwest corner of said Malone, thence west on the north line of Bangor to the place of beginning, shall be and continue a town by the name of Bangor.

Malone. And that all that part of the said county of Franklin bounded northerly by the town of Constable, westerly by the town of Bangor, southerly by the county of Essex, and easterly by the west bounds of townships number seven, eight, nine and ten, of a tract of land in the said county, formerly set apart for the use of the troops of the line of this state, lately serving in the army of the United States, shall be and continue a town by the name of Malone.

SARATOGA County. And that all that part of the county of Saratoga bounded northerly by Ballstown, and also by Anthony's-kill, and a line from that part of the said kill where it comes out of the round lake to the southeast corner of Ballstown, easterly by the east bounds of the county, southerly by the middle of the Mohawk river and its most northerly sprout, westerly by the west bounds of the county and a line running from the south end of the long lake south fifty-three degrees west along the established bounds of Ballstown to the bounds of the county, shall be and continue a town by the name of Halfmoon.

Halfmoon. And that all that part of the said county of Saratoga comprehended within the following bounds, to wit: beginning on the north bounds of the town of Halfmoon, at a place where a small creek, known by the name of Dwars-kill, empties into Anthony's-kill, thence northerly on a straight line to a place where the most easterly small creek empties into the south end of the Saratoga lake, thence northwesterly along said lake to the south bounds of the town of Saratoga, thence westerly along the south bounds of the said town of Saratoga to the easterly bounds of the town of Milton, thence south along the easterly bounds of the said town of Milton to the northeast bounds of the town of Ballstown, thence southerly on the east bounds of the town of Ball-

town to the southeast bounds thereof, thence easterly on the north bounds of the town of Halfmoon to the place of beginning, shall be and continue a town by the name of Malta.

And that all that part of the said county of Saratoga bounded southerly by Halfmoon, easterly by the east bounds of the county, westerly by the town of Malta, and northerly by the north bounds of lot number seventeen in Saratoga patent continued in the same direction, west to the town of Malta, shall be and continue a town by the name of Stillwater.

And that all that part of the said county of Saratoga bounded northerly by Northumberland and Greenfield, easterly by the county of Washington, southerly by the north bounds of Stillwater and the continuation thereof, and westerly by a north line continued from the northeast corner of Ballstown to the town of Greenfield, shall be and continue a town by the name of Saratoga.

And that all that part of the said county of Saratoga bounded by a line beginning at the northeast corner of the town of Edinburgh and running thence south on the east bounds thereof and part of the east bounds of the town of Providence to a point due west from the middle of a public highway south of and adjoining the late dwelling house of George Shove, Esquire, deceased, thence east to the middle of the said highway, thence east to the northeast corner of the town of Greenfield, and then north thirty-two degrees east to a place called Flat rock, on or near the western bank of said river, thence north across the stream of said river to the southerly bounds of the county of Washington, thence northerly and westerly on the division line between the counties of Washington and Saratoga to the place of beginning, shall be and continue a town by the name of Hadley.

And that all that part of the said county of Saratoga beginning at the southeast corner of lot number seven in the seventeenth allotment of the patent of Kayaderosseras, thence running westerly along the north bounds of the sixteenth allotment of said patent to the southeast corner of the town of Providence, thence north on the east line of the same to the southwest corner of the town of Hadley, thence easterly along the south bounds of the town of Hadley to the west bounds of the twenty-third allotment, thence along the same southerly to the north bounds of the seventeenth allotment, thence along the same southwesterly to lot number seven in said seventeenth allotment, thence southerly along the east bounds thereof to the place of beginning, shall be and continue a town by the name of Greenfield.

And that all that part of the said county of Saratoga beginning on Hudson's river at the northeast corner of the tenth general allotment of the patent of Kayaderosseras, from thence along the north bounds thereof and the north bounds of the ninth and sixteenth allotments of the said patent to the southeast corner of the town of Greenfield, thence northerly along the east bounds thereof until it intersects the north line of lot number four in the twentieth allotment of said patent continued west, thence easterly along the line so intersected to the northeast corner of said lot number four, thence east to the bounds of the county, thence

southerly along the same to a point due east from the place of beginning, and then west to the place of beginning, shall be and continue a town by the name of Northumberland.

Moreau.

And that all that part of the said county of Saratoga bounded westerly by Hadley, southerly by Northumberland, and northerly and easterly by the bounds of the county, shall be and continue a town by the name of Moreau.

Milton.

And that all that part of the said county of Saratoga bounded northerly by Greenfield, easterly by Saratoga and Malta, southerly by a line beginning in the southeast corner of the fourteenth allotment in the general division of the patent of Kayaderosseras, and running thence west along the south bounds of the said allotment to the middle of the south bounds of lot number nine in the subdivision of the allotment aforesaid, and westerly by a line running from thence due north to the southwest corner of the town of Greenfield, shall be and continue a town by the name of Milton.

Providence.

And that all that part of the said county of Saratoga beginning at the northwest corner of the town of Milton, and running thence a west course on a parallel line with the north bounds of the town of Charlton to the county of Montgomery, thence north on the east line of the county of Montgomery six miles, thence easterly on a straight line parallel with the south bounds of Providence to a line running north from the northwest corner of Milton, thence south along said line to the place of beginning, shall be and continue a town by the name of Providence.

Edinburgh.

And that all that part of the said county of Saratoga bounded southerly by Providence, westerly and northerly by the bounds of the county, and easterly by a line running north from the northwest corner of Milton, shall be and continue a town by the name of Edinburgh.

Galway.

And that all that part of the said county of Saratoga bounded easterly by Milton, southerly by a line running from the southwest corner of Milton, west along the south bounds of the fourteenth allotment of the patent of Kayaderosseras, to the bounds of the county, westerly by the bounds of the county, and northerly by Providence, shall be and continue a town by the name of Galway.

Charlton.

And that all that part of the said county of Saratoga bounded by a line beginning at the southwest corner of the town of Galway, and running thence south along the east bounds of the county of Montgomery to the north bounds of the county of Schenectady, thence easterly along the north bounds of the county of Schenectady until a north line as the needle pointed in the year one thousand seven hundred and ninety-five, will strike the southwest corner of the tract of land commonly called the Five mile square, thence northerly to the southwest corner of the said five mile square, thence along the west bounds of the said five mile square to the south bounds of the town of Milton, thence along the south bounds of the towns of Milton and Galway to the place of beginning, shall be and continue a town by the name of Charlton.

Ballstown.

And that all that part of the said county of Saratoga bounded westerly by Charlton, southerly by the north bounds of the coun-

ty of Schenectady, and by Halfmoon, easterly by Malta, and northerly by Milton, shall be and continue a town by the name of Ballstown.

And that all that part of the county of Albany beginning at the northwest corner of the manor of Rensselaerwyck, and running thence along the west bounds of the said manor southerly to the northwest corner of lot number three hundred and forty-nine, thence easterly along the tier of lots to the northeast corner of lot number three hundred and seventy-two, then northerly to the northeast corner of lot number eight hundred and thirty-two, then with a straight line till a course north twenty-six degrees west to the Bozenkill, then along the last mentioned course, and the said kill or creek northwesterly, as it runs to where the said manor line intersects the same, then westerly along the northerly bounds of said manor to the place of beginning, shall be and continue a town by the name of Bern.

ALBANY
county.
Bern.

And that all that part of the said county of Albany, bounded northerly by Bern, westerly by the west bounds of the manor of Rensselaerwyck, southerly by the county of Greene, and easterly by a line beginning at the place where the west bounds of Coeymans patent of confirmation, intersects the south bounds of the manor of Rensselaerwyck, thence northerly along the west bounds of the said patent of confirmation, to the northwest corner thereof, thence easterly along the north bounds thereof to the place where the continuation of the east line of the town of Bern intersects the same, thence along the said line northerly to the southeast corner of Bern, shall be and continue a town by the name of Rensselaerville.

Rensselaer-
ville.

And that all that part of the said county of Albany bounded westerly by Rensselaerville, southerly by the south bounds of the county, easterly by the east bounds of the county, and northerly by the north bounds of Coeymans patent of confirmation, shall be and continue a town by the name of Coeymans.

Coeymans.

And that all that part of the county of Albany, bounded northeasterly by the southerly bounds of the city of Albany, northerly by a line lately run by John I. Evertson, at the request of the supervisors of the towns of Bethlehem and Guilderland, as the division line between the said towns, westerly by Bern and Rensselaerville, southerly by Coeymans patent of confirmation, and easterly by the east bounds of the county, shall be and continue a town by the name of Bethlehem.

Bethlehem.

And that all that part of the said county of Albany, beginning on the west bank of Hudson's river, and in the northeast corner of the bounds of the city of Albany, and extending northerly along the said river about three quarters of a mile, to what is called the Mill creek, thence running westerly one mile up along the said creek, thence southerly with a line parallel to the said river till it intersects the north bounds of the said city, thence easterly along the said north bounds to the place of beginning, and extending east to the bounds of the county, shall be and continue a town by the name of Colonie.

Colonie.

And that all that part of the said county of Albany, bounded southerly by Bethlehem, westerly by Bern, northerly by the

Guilderlandt.

bounds of the county, and northeasterly by the southwesterly bounds of the city of Albany, shall be and continue a town by the name of Guilderlandt.

Watervliet. And that all that part of the said county of Albany, bounded northerly by the north bounds of the county, easterly by the east bounds of the county, southerly and westerly by the town of Colonie, and the northeasterly bounds of the city of Albany, shall be and continue a town by the name of Watervliet.

SCHENECTADY county. And that all that part of the county of Schenectady bounded by a line beginning at the southeast corner of the patent granted to Swear Teunese and others, commonly called the Schenectady patent on the north bounds of the manor of Rensselaerwyck, thence easterly along the same to the easternmost bounds of the county of Schenectady, thence along the south bounds of the county of Saratoga to the said Schenectady patent, and thence along the same to the place of beginning, shall be and continue a town by the name of Neskayuna.

Duanesburgh. And that all that part of the said county of Schenectady bounded on the north by the county of Montgomery, on the west by the Schoharie kill and the Schoharie patent, on the south by the north bounds of lands granted to Johannes Lawyer and others, and the south bounds of lands granted to captain Jonathan Brewer and the manor of Rensselaerwyck, and on the east by Princetown, shall be and continue a town by the name of Duanesburgh.

Princetown. And that all that part of the said county of Schenectady bounded northerly by the county of Montgomery, easterly by the city of Schenectady, southerly by the north bounds of the manor of Rensselaerwyck, and westerly by the east line of a patent granted to Walter Butler and continued on the same course to the said north bounds of the manor of Rensselaerwyck, shall be and continue a town by the name of Princetown.

MONTGOMERY County. And that all that part of the county of Montgomery beginning in the Mohawk river at the point where it intersects the division line between the counties of Montgomery and Schenectady, and running from thence westerly along the said river until a small bridge in the main road near to the house now or late of Victor A. Putman shall be due north, thence running north six miles, thence running an easterly course so as to strike the west bounds of the county of Saratoga six miles north of the river Mohawk, thence south along the west bounds of the county of Saratoga and also along the west bounds of the county of Schenectady to the place of beginning, shall be and continue a town by the name of Amsterdam.

Broadalbin. And that all that part of the said county of Montgomery beginning at the northeast corner of Amsterdam, thence running westerly along the northerly bounds of the said town to the middle of the said boundary line, thence due north to the town of Northampton, thence easterly along the southerly bounds of the said town of Northampton to the east bounds of the county, thence south along the same to the place of beginning, shall be and continue a town by the name of Broadalbin.

Malden. And that all that part of the said county of Montgomery beginning at the Mohawk river where the Otsquago creek falls into

the river, from thence up the middle of the said creek to its junction with the Otsquene creek, from thence with a straight line to the northeast corner of Springfield patent in the division line of the counties of Otsego and Montgomery, from thence along the said line westerly to the division line of the counties of Herkimer and Montgomery, then along the same northerly to the Mohawk river, thence down along the said river to the place of beginning, shall be and continue a town by the name of Minden.

And that all that part of the said county of Montgomery bounded northerly by the Mohawk river, westerly by Minden, southerly by the south bounds of the county, and easterly by a line running from the hill called Anthony's nose south until it strikes the south bounds of the county, shall be and continue a town by the name of Canajoharie. Canajoharie.

And that all that part of the said county of Montgomery bounded westerly by Canajoharie, northerly by the Mohawk river, easterly by the middle of Schoharie creek, and southerly by the south bounds of the county, shall be and continue a town by the name of Charleston. Charleston.

And that all that part of the said county of Montgomery bounded westerly by Charleston, northerly by the Mohawk river, easterly and southerly by the bounds of the county, shall be and continue a town by the name of Florida. Florida.

And that all that part of the said county of Montgomery beginning at the northeast corner of the town of Broadalbin at the place where the southerly bounds of the farm now or late of Godfrey Shoe is intersected by the division line between the counties of Saratoga and Montgomery, thence west as the magnetic needle pointed in the year one thousand eight hundred and one, to the division line between the town of Mayfield and the said town of Broadalbin, thence along the same continued northerly until it intersects a line running east from the southwest corner of Wells to the county of Saratoga, thence along the same easterly to the county of Saratoga, thence along the westerly bounds of the county of Saratoga to the place of beginning, shall be and continue a town by the name of Northampton. Northampton.

And that all that part of the said county of Montgomery beginning at the southwest corner of the town of Broadalbin, thence running along the northerly bounds of the town of Amsterdam to the northwest corner thereof, thence due north to the southwest corner of the town of Wells, thence easterly along the south bounds of Wells to the middle of the Sacondaga river, thence down the middle of said river to the west bounds of the town of Northampton, thence southerly along the same and the west bounds of Broadalbin to the place of beginning, shall be and continue a town by the name of Mayfield. Mayfield.

And that all that part of the said county of Montgomery bounded northerly and easterly by the north and east bounds of the county, westerly by the town of Lake-Pleasant, and southerly by a line beginning at a point in the east bounds of the town of Johnstown four miles north of the south bounds of the township of Benson and running thence east to the middle of the Sacondaga river, thence down the middle of said river to the west

bounds of Northampton, thence northerly along the said west bounds of Northampton until it interseets a line running east from the said point in the east bounds of Johnstown to the county of Saratoga, thence east on the line last mentioned to the said county of Saratoga, shall be and continue a town by the name of Wells.

Lake-Pleasant.

And that all that part of the said county of Montgomery bounded on the north by the bounds of the county, on the east by a line beginning at the northwest corner of Mayfield, and from thence continued north to the north bounds of the county, on the west by a line running from the hill called Anthony's nose north to the county of St. Lawrence, and south by a line running from the said northwest corner of Mayfield on a west course until it intersects the said westerly bounds, shall be and continue a town by the name of Lake-Pleasant.

Johnstown.

And that all that part of the said county of Montgomery bounded southerly by the Mohawk river, easterly by the west line of the town of Amsterdam continued north to the southeast corner of Lake-Pleasant, northerly by the south bounds of Lake-Pleasant, and westerly by a line running from the hill called Anthony's nose north to the southwest corner of Lake-Pleasant, shall be and continue a town by the name of Johnstown.

Manheim.

And that all that part of the said county of Montgomery beginning on the west side of the East Canada creek where it empties into the Mohawk river, thence westerly up said river to the division line between the counties of Montgomery and Herkimer, thence north along the same until an east line or course strikes the northwest corner of a large lot number fourteen in a tract of land called Glen's purchase, thence easterly to the northeast corner of Glen's purchase, thence east to the said East Canada creek, thence southerly along the same to the place of beginning, shall be and continue a town by the name of Manheim.

Salisbury.

And that all that part of the said county of Montgomery bounded south by the town of Manheim, westerly and northerly by the bounds of the county, and east by the middle of East Canada creek and a line running north to the county of St. Lawrence from the place where the south bounds of Jerseyfield intersects the said creek, shall be and continue a town by the name of Salisbury.

Stratford.

And that all that part of the said county of Montgomery bounded westerly by Salisbury, northerly by the bounds of the county, easterly by Johnstown and Lake-Pleasant, and southerly by a line beginning at the East Canada creek on the north line of the second tier in Lott and Low's patent, and running from thence easterly along the said line, and the same continued to the west bounds of the town of Johnstown, shall be and continue a town by the name of Stratford.

Palatine.

And that all that part of the said county of Montgomery bounded southerly by the Mohawk river, westerly by the town of Oppenheim, northerly by the town of Stratford, and easterly by the town of Johnstown, shall be and continue a town by the name of Palatine.

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And that all that part of the said county of Montgomery beginning on the Mohawk river, on the division line of James Lochran and Peter C. Fox, and running thence along the said line and the course thereof continued until it intersects the division line of Klock and Harrison's patents, thence with a straight line to the southerly bounds of the town of Stratford at a certain point midway between the westerly bounds of the town of Johnstown and the easterly bounds of the town of Salisbury, thence northwesterly along the south bounds of Stratford, to the town of Salisbury, thence along the easterly bounds of Salisbury and Manheim to the Mohawk river, and from thence easterly along the said river to the place of beginning, shall be and continue a town by the name of Oppenheim.

Oppenheim.

And that all that part of the county of Schoharie, beginning at a point in the west bounds of the county of Albany, two miles southerly of the place where Foxes creek intersects said west bounds, thence westerly to the place where Weaver's stony creek originally emptied itself into the Schoharie creek, and thence westerly to the place where the Cobels-kill road crosses the Punch-kill, thence with a straight line to a point in the north bounds of the county five miles westerly of Schoharie creek, thence along the bounds of the county easterly and southerly to the place of beginning, shall be and continue a town by the name of Schoharie.

SCHONARIE county.
Schoharie.

And that all that part of the said county of Schoharie, beginning at the place where the Cobels-kill road crosses the Punch-kill, thence with a straight line to the northwest corner of a patent granted to Michael Byrns and others, thence with a straight line to the west corner of the house now or late of Jacob Best near the head of the north branch of the west kill, thence continuing the same line to a tract of land called Blenheim, thence easterly along the northerly bounds of Blenheim until it strikes Schoharie creek, thence easterly with a straight line to the northeast corner of the dwelling-house now or late of Moses Winter, thence with the same line continued to the bounds of the county, thence northerly along the same to the southeast corner of the town of Schoharie, thence along the southerly bounds thereof to the place of beginning, shall be and continue a town by the name of Middleburgh.

Middleburgh.

And that all that part of the said county of Schoharie, beginning at a point in the south bounds of Middleburgh where the same is intersected by the east line of Walter Butler's patent north of the dwelling-house now or late of Christian Shafer, then south along the said line of Walter Butler's patent to Smith's patent, thence south along the line of Smith's patent to Edward Clark's patent, thence along the east and south bounds of Edward Clark's patent to the middle of Schoharie creek, thence southerly through the middle of said creek to the south bounds of the county, thence westerly along the same to the town of Jefferson, thence along the easterly bounds of Jefferson to the southerly bounds of the town of Middleburgh, thence easterly along the said southerly bounds to the place of beginning, shall be and continue a town by the name of Blenheim.

Blenheim.

Broome.

And that all that part of the said county of Schoharie bounded on the north by Middleburgh, on the east and south by the bounds of the county, and on the west by Blenheim, shall be and continue a town by the name of Broome.

Jefferson.

And that all that part of the said county of Schoharie beginning at a point in the northern bounds of Blenheim patent in the east line of the third range of lots in said patent and running thence along the northerly bounds of said patent to the northwest corner thereof, thence continuing the same line to the bounds of the county, thence along the same southerly and easterly until it intersects a line running southerly from the place of beginning between the third and fourth ranges of said lots, thence northerly along the said line so intersected to the place of beginning, shall be and continue a town by the name of Jefferson.

Carlisle.

And that all that part of the said county of Schoharie bounded by a line beginning in the northerly bounds of the county at the northwest corner of the town of Schoharie, and running thence southerly along the west line of the said town of Schoharie until it comes opposite the house lately occupied by Aaron Cole, junior, thence westerly to the south side of the house now or late of George Loucks, thence westerly to the north side of the house now or late of John Angle, thence on the same course until it intersects a straight line running southerly from the northwest corner of the house now or late of William Ferris, thence northerly along the line so intersected to the northwest corner of the dwelling-house last mentioned, thence northerly in a straight line to a spring at the west end of the house now or late of John Reddington on the farm lately occupied by him, thence northerly in a straight line along the east side of the house now or late of John Malick to the north bounds of the county, and thence easterly along the said north bounds to the place of beginning, shall be and continue a town by the name of Carlisle.

Cobelskill.

And that all that part of the said county of Schoharie bounded by a line beginning at the northwest corner of the town of Jefferson, and running thence northerly along the bounds of the county until it intersects a line described in the following manner, viz. running from the westerly corner of the dwelling-house now or late of John Reddington in a direct line to the westerly corner of the dwelling-house now or late of Peter Bogardus, thence in a straight line to the northerly corner of the dwelling-house now or late of Joseph Webb, thence in a direct line to the westerly corner of the dwelling-house now or late of Nicholas Smith, thence southwesterly to the nearest point in the division line between the counties of Schoharie and Otsego, thence northeasterly along the line so intersected to the southwest corner of the town of Carlisle, thence along the south bounds of Carlisle to the west line of the town of Schoharie, thence along the west line of the towns of Schoharie and Middleburgh to the north bounds of the town of Jefferson, and thence along the said north bounds to the place of beginning, shall be and continue a town by the name of Cobelskill.

Aaron.

And that all that part of the said county of Schoharie bounded northerly, westerly and southwesterly by the bounds of the

county, and easterly and southeasterly by the towns of Carlisle and Coneskill, shall be and continue a town by the name of Sharon.

And that all that part of the county of Herkimer, beginning at the south side of the Mohawk river in the middle of the mouth of a small stream which enters the said river a few rods east of the house now or late of William Dygert, which stream is known by the name of Dygert's mill creek, and running from thence south thirty degrees west until it meets the southern line of a tract of land granted to Coenrad Frank and others, thence westerly along the said southern line to the southwest corner of the said grant, thence westerly with a straight line to the southeast corner of Whitestown in the west bounds of the county, thence northerly along the same to the Mohawk river, thence down and along the river to the place of beginning, shall be and continue a town by the name of Frankfort.

HERKIMER
county
Frankfort

And that all that part of the said county of Herkimer, bounded northerly by Frankfort, westerly and southerly by the bounds of the county, and easterly by a line beginning at the south east corner of the town of Frankfort, and running thence south thirty degrees west to the south bounds of the county, shall be and continue a town by the name of Litchfield.

Litchfield

And that all that part of the said county of Herkimer, bounded westerly by Frankfort, northerly by the Mohawk river, easterly by the east bounds of the county, and southerly by a line beginning at the northeast corner of the town of Litchfield, and running thence easterly along the southern line of the tract of land granted to Coenrad Frank and others, until it meets the southwest corner of a tract of land granted to Guy Johnson, thence easterly along the southern bounds thereof to the east bounds of the county, shall be and continue a town by the name of German-Flatts.

German-
Flatts

And that all that part of the said county of Herkimer, bounded on the west by a certain line beginning at a maple tree which stands a small distance easterly from Abraham Lighthalls at the southwesterly corner of Young's patent, and runs thence north twenty-eight degrees east until it strikes the south line of the town of German-Flatts at the distance of one hundred chains, easterly of the northwesterly corner of Henderson's patent on the north line thereof, on the north by German-Flatts, southerly by the bounds of the county, and westerly by the town of Litchfield, shall be and continue a town by the name of Columbia.

Columbia

And that all that part of the said county of Herkimer, bounded westerly by Columbia, southerly and easterly by the bounds of the county, and northerly by German-Flatts, shall be and continue a town by the name of Warren.

Warren

And that all that part of the said county of Herkimer, lying within the following bounds, viz.: beginning at the southeast corner of great lot number eighteen in Hasenclever's patent, thence on the line of said lot a northwesterly course to the Steuben road, thence on a direct course to the centre of lot number thirteen in Walton's patent, thence through the centre of lot number sixteen in said Walton's patent to the county line, from thence on a direct line to the southwest corner of the lot number twen-

Newport

ty-eight in the third allotment of the Royal Grant, thence on a line of lots to the northeast corner of lot number twenty-three in said allotment, then south on the line of lots to the southeast corner of lot number forty-two in the second allotment of said grant, from thence on a southerly course to the Canada creek at the bridge near the house now or late of Obadiah Kniffin, from thence west to the centre of said creek, thence down the middle of the same until a west course will meet the place of beginning, and then west to the place of beginning, shall be and continue a town by the name of Newport.

Russia And that all that part of the said county of Herkimer, beginning at the southwest corner of lot number twenty-eight in the third allotment of the Royal Grant, and running thence east on the line of lots to the southeast corner of lot number thirty, thence north on the line of lots to the north bounds of the county, thence westerly along the said north bounds to the west bounds thereof, and then along the said west bounds to the place of beginning, shall be and continue a town by the name of Russia.

Norway And that all that part of the said county of Herkimer, beginning at the northeast corner of lot number thirty-seven in the second allotment of the Royal Grant, and running thence east along the tier of lots to the east bounds of the county, thence along the east bounds of the county north the north bounds thereof, thence along the same westerly to the town of Russia, thence south along the towns of Russia and Newport to the place of beginning, shall be and continue a town by the name of Norway.

Schuyler And that all that part of the said county of Herkimer, beginning at the Mohawk river on the line which divides the lands of Eli Spencer and Benjamin Taber in Colden's patent, and running from thence in a straight line to the southeast corner of Joel Harvey's land on the Steuben road, thence to the southwest corner of the town of Newport, thence southwesterly along the west bounds of the county to the Mohawk river, thence down the same to the place of beginning, shall be and continue a town by the name of Schuyler.

Fairfield And that all that part of the said county of Herkimer, beginning on the middle line in Glen's purchase on the division line of Montgomery and Herkimer counties, and running thence westerly along the said middle line of Glen's purchase to the southwest corner of lot number seven, thence northerly to the northeast corner of lot number five in the said purchase, thence westerly along the line between lots number five and six, and the same course continued to the West Canada creek, thence up along the said creek to the town of Newport, thence along the bounds of the town of Newport to the southwest corner of the town of Norway, thence along the south bounds thereof east to the east bounds of the county, and thence south along the same to the place of beginning, shall be and continue a town by the name of Fairfield.

Herkimer And that all that part of the said county of Herkimer, bounded southerly by the Mohawk river, westerly by the town of Schuy-

ler, northerly by the towns of Newport and Fairfield, and easterly by the east bounds of the county, shall be and continue a town by the name of Herkimer.

And that all that part of the county of Oneida, bounded south- ONEIDA
county
Sangerfield erly and westerly by the bounds of the county, and northerly by the northerly bounds of the twentieth of the twenty townships as surveyed and laid out by the surveyor-general of this state, and easterly by the division line between the third and fourth quarters of said township, shall be and continue a town by the name of Sangerfield.

And that all that part of the said county of Oneida, bounded south- Bridgewater erly and easterly by the bounds of the county, westerly by the town of Sangerfield, and northerly by a line running due east from the northeast corner of the twentieth of the twenty townships as surveyed and laid out by the surveyor-general of this state to the east bounds of the county, shall be and continue a town by the name of Bridgewater.

And that all that part of the said county of Oneida, bounded Paris southerly by Bridgewater and Sangerfield, westerly by the east line of the Oneida reservation, northerly by a line beginning on the east line of the Oneida reservation at the southerly corner of the town of Westmoreland, and running thence northeasterly along the line of the last mentioned town to a bridge called Stillman's bridge on the Oriskany creek, thence running southeasterly to the dwelling house now or late of Samuel Hecox, being on lot number eighty in the seventh division of Cox's patent not including the said house, then southerly in a direct line until it meets the road called the New Hartford road, where the said road crosses the creek a few rods westerly from the dwelling house now or late of Samuel Wells, thence southerly on a direct line to the southwest corner of lot number seven in the seventh division of Cexe's patent aforesaid, thence a direct east course to the east bounds of the county, and easterly by the east bounds of the county, shall be and continue a town by the name of Paris.

And that all that part of the said county of Oneida, bounded Deerfield southerly by the Mohawk river, westerly by a line beginning at the mouth of the Nine-Mile creek, on the Mohawk river, and running from the mouth of the said creek on a direct line four miles towards a point in the east line of a tract of land granted to the Baron De Steuben, one mile and an half south of the northwest corner of Service's patent, so called, northerly by Trenton, and easterly by the east bounds of the county, shall be and continue a town by the name of Deerfield.

And that all that part of the said county of Oneida bounded Trenton westerly and northwesterly by the towns of Steuben and Floyd, northerly by a line drawn parallel with the north bounds of Service's patent to the West Canada creek, so as to meet the east bounds of Steuben's patent one mile and a half southerly from the northwest corner of Service's patent, easterly by the east bounds of the county and a line running from the northwest corner of lot number fifty-five in Gage's patent, so called, on the west line of said patent, southerly to the northwesterly corner of lot number eighteen in said patent, and southerly by a straight

line drawn thence to the town of Floyd, being the northerly bounds of the town of Deerfield, shall be and continue a town by the name of Trenton.

Whitestown. And that all that part of the said county of Oneida bounded southerly by Paris, easterly by the east bounds of the county, northerly by the Mohawk river and part of the south bounds of the town of Rome, and westerly by Paris and Westmoreland, shall be and continue a town by the name of Whitestown.

Augusta. And that all that part of the said county of Oneida bounded westerly and southerly by the county of Madison, easterly by Paris, and northerly by a line running from the southeast corner of lot number two hundred and forty-six, to the southwest corner of lot number two hundred and thirty-nine in the late Oneida reservation, and thence continued in the same direction to the Oneida creek, shall be and continue a town by the name of Augusta.

Vernon. And that all that part of the said county of Oneida bounded westerly by the county of Madison, southerly by the town of Augusta, easterly by Paris and the east line of the Oneida reservation, and northerly by a line running from the southeast corner of lot number two hundred and five to the southwest corner of lot number one hundred and ninety-nine, in the said reservation, and from thence to the junction of the Schenondehois with the Oneida creek, shall be and continue a town by the name of Vernon.

Verona. And that all that part of the said county of Oneida bounded southerly by Vernon, westerly by the county of Madison, northerly by Rome and Bengal, and easterly by the east line of the Oneida reservation, shall be and continue a town by the name of Verona.

Westmoreland. And that all that part of the said county of Oneida bounded westerly and southwesterly by Vernon and Verona, northerly by Rome, easterly and southerly by a line beginning at the southeasterly corner of a tract of land granted to Abraham Wemple, and running thence at right angles with the old line of property, southwesterly to Vernon, and northeasterly until it meets the Oriskany creek, thence down the said creek to the south bounds of the Oriskany patent, thence northwesterly parallel with the old line of property to Rome, shall be and continue a town by the name of Westmoreland.

Floyd. And that all that part of the said county of Oneida beginning at the northwest corner of great lot number thirty-six in Fonda's patent, and running along the west bounds of said lot and lots number fifty, sixty-three, and seventy-one, in said Fonda's patent, and the same course continued till it strikes the Mohawk river, thence down the said river to the mouth of the Nine-Mile creek, thence northerly along the west bounds of Deerfield and Trenton until a west line shall intersect the northeast corner of great lot number forty-one in said Fonda's patent, then along said line and the north bounds of lot number forty-one and lots number forty, thirty-nine, thirty-eight, thirty-seven and thirty-six in said Fonda's patent to the place of beginning, shall be and continue a town by the name of Floyd.

Rome. And that all that part of the said county of Oneida bounded

easterly by Floyd, northerly by a line to begin at the northwest corner of Floyd, and running a direct course along the north bounds of great lots number thirty-five, thirty-four, thirty-three, thirty-one, thirty, twenty-nine and eighty-three in Fonda's patent to Canada creek, thence down and along the same to its junction with Wood creek, thence southeasterly along the line of the Oneida reservation till it strikes a line running due west from the mouth of the Nine-Mile creek, then easterly along that line to the mouth of the Nine-Mile creek, together with all that part of township number two in Scriba's patent, lying east of Fish creek and south of Lee, shall be and continue a town by the name of Rome.

And that all that part of the said county of Oneida bounded northerly and easterly by the bounds of the county, southerly by Trenton and westerly by a line running from the northwest corner of the town of Trenton, along the east bounds of a tract of land granted to Baron De Steuben, to the middle of the Cincinnati creek, thence northerly through the middle of the waters of said creek until it intersects the west line of lot number twenty-five in the said tract, thence north one degree and thirty minutes west, along the line of lots to the north line of the said tract, thence on the same course until it intersects the northerly line of a tract of land now or late belonging to John Lansing, continued in that direction easterly, thence easterly along the said line until it intersects a line running northerly from the northeast corner of the said tract of land granted to said Baron De Steuben to the county of Lewis, and thence along the line so intersected to the said county of Lewis, shall be and continue a town by the name of Remsen.

And that all that part of the said county of Oneida within the limits and bounds following, viz: beginning at the southwest corner of lot number twenty-seven in Fonda's purchase, adjoining the town of Floyd, thence running northerly along the westerly line of said lot and continued in that direction to the north side of a tract of land now or late belonging to John Lansing, being the south line of land formerly granted to Thomas Machin, thence easterly along the northerly side of the said Lansing's land and continued in that direction to the town of Remsen, thence southerly along the westerly bounds of Remsen to the east line of a patent granted to Baron de Steuben, running thence southerly and westerly along the bounds thereof until it intersects the west line of Deerfield continued to the said patent, thence southerly along the line so intersected to the northeast corner of the town of Floyd, thence westerly on the north bounds of said town to the place of beginning, shall be and continue a town by the name of Steuben.

And that all that part of the said county of Oneida bounded easterly by Steuben, southerly by Rome and Floyd, westerly and northerly by a line beginning on the south line of lot number eighteen in Fonda's patent, sixteen chains easterly from the southwest corner of said lot, and running thence north one degree and thirty minutes west parallel with the west bounds of Steuben until it intersects the northerly line of a tract of land now

or late belonging to John Lansing, being the south line of land formerly granted to Thomas Machin, continued easterly, thence along the line so intersected to the northwest corner of Steuben, shall be and continue a town by the name of Western.

Lee.

And that all that part of the said county of Oneida bounded easterly by Western, northerly by the north line of Western continued in the same direction to Fish creek, westerly by said creek, and southerly by Rome, shall be and continue a town by the name of Lee.

Boonsville.

And that all that part of the said county of Oneida bounded easterly by Remsen, southerly by Steuben, Western and Lee, northerly by the bounds of the county, and westerly by the town of Florence, shall be and continue a town by the name of Boonsville.

Florence.

And that all that part of the said county of Oneida containing townships number three and four, named on the map of the state of New-York, made by the surveyor general, Florence and Solingen, and all that part of township number one lying east of the said township number three and west of Fish creek, shall be and continue a town by the name of Florence.

Bengal.

And that all that part of the said county of Oneida included in the following bounds : beginning at the mouth of Wood creek and running up said creek to the corner of the townships number two and nine, being the present corner of the town of Rome, thence north twenty-one degrees east along said line to Fish creek, then up said creek until opposite the corners of lots number nineteen and twenty in township number eight, then north sixty-nine degrees west along the said line to the corner of lots number one and two, then south twenty-one degrees west along the centre line of township number eight aforesaid to Fish creek west branch, then up said creek in the centre thereof through the mouth of Little river, thence up Little river until it intersects the line between townships number eight and nine, then north sixty-nine degrees west along the north line of townships number nine and ten to the east line of the town of Constantia, then southerly along the said line continued to the south shore of Lake Oneida, thence easterly and northerly along the southerly and easterly side of said lake to the place of beginning, shall be and continue a town by the name of Bengal.

Camden.

And that all that part of the said county of Oneida bounded northerly by Florence, easterly by Lee, southerly by Bengal and Constantia, and westerly by the line of division between townships number six and seven in George Scriba's patent, shall be and continue a town by the name of Camden.

Constantia.

And that all that part of the said county of Oneida known and distinguished on a map of this state made by the surveyor-general by the townships of Breda, Delft and Rotterdam, together with the several locations, islands and waters between the said townships and the south bounds of Oneida county, shall be and continue a town by the name of Constantia.

Bedfield.

And that all that part of the said county of Oneida known and distinguished by township number twelve in a tract or patent of land commonly called Constable's tract, which said township is

bounded northerly by township number seven, easterly by number thirteen, westerly by number eleven, and southerly by the north line of Scriba's patent, together with the township distinguished on the map of this state made by the surveyor-general, by the name of Arcadia, shall be and continue a town by the name of Redfield.

And that all that part of the said county of Oneida contained within the townships distinguished on the map of this state made by the surveyor-general, by the names of Franklin and Middleburgh, shall be and continue a town by the name of Williams-town.

Williams-
town.

And that all that part of the said county of Oneida contained within the townships distinguished on the said map of this state by the names of Campania, Rhadamant, Longinus, Richland and Alkmaer, and the space comprehended by a line drawn west from the northwest corner of Rhadamant and north from the most westerly corner of the township of Richland to the bounds of the county, shall be and continue a town by the name of Richland.

Richland.

And that all that part of the said county of Oneida comprised within township number eighteen in Scriba's patent and distinguished on the map of this state made by the surveyor-general by the name of Oswego, and the same continued north to the bounds of the county, together with that part of township number seventeen in said patent lying north of a line beginning at the Oswego river and running easterly along the division line between lots number six and seven of said township, and the same line continued until it intersects the line of the fifteenth township, shall be and continue a town by the name of Scriba.

Scriba.

And that all that part of the said county of Oneida, contained within townships number fourteen, fifteen, sixteen and twenty-four, lying chiefly in George Scriba's purchase, so called, and distinguished on the map of this state, made by the surveyor-general, by the names of Metz, Brugen, Georgia and Erlang, together with that part of township number seventeen in said purchase, not included in the town of Scriba, as also the several locations, islands and waters between the said townships and the south bounds of Oneida county, shall be and continue a town by the name of Volney.

Volney.

And that all that part of the said county of Oneida, bounded northerly by Richland and the bounds of the county, easterly by Richland and Williamstown, southerly by Constantia and Volney, and westerly by Scriba, shall be and continue a town by the name of Mexico.

Mexico.

And that all that part of the county of Lewis bounded easterly, southerly, northerly and northwesterly by the bounds of the county, and westerly by Denmark, Lowville, Martinsburgh and Turin, shall be and continue a town by the name of Leyden.

LEWIS
county.
Leyden.

And that all that part of the said county of Lewis contained within township number five, in Macomb's purchase, and distinguished on the map of this state made by the surveyor-general by the name of Mantua, shall be and continue a town by the name of Denmark.

Denmark.

And that all that part of the said county of Lewis contained with-

Harrisburgh.

in township number ten in Macomb's purchase, and distinguished on the map aforesaid, by the name of Platina, shall be and continue a town by the name of Harrisburgh.

Pinckney.

And that all that part of the said county of Lewis contained within township number nine of Macomb's purchase, and distinguished on the map aforesaid, by the name of Handel, shall be and continue a town by the name of Pinckney.

Martinsburgh.

And that all that part of the said county of Lewis contained within the townships distinguished on the said map by the names of Cornelia and Porcia, shall be and continue a town by the name of Martinsburgh.

Lowville.

And that all that part of the said county of Lewis, distinguished by township number eleven in Macomb's purchase, bounded northerly by Denmark, westerly by Harrisburgh, easterly by the Black river, and southerly by Martinsburgh, shall be and continue a town by the name of Lowville.

Turin.

And that all that part of the said county of Lewis bounded east by the Black river, northerly by Martinsburgh, Harrisburgh and Pinckney, westerly by the bounds of the county, and south easterly by a line beginning at the most northerly corner of a tract of twenty-five thousand acres of land belonging to Lemuel Storrs and others, at a maple tree standing upon the bank of the said Black river, and running thence south thirty-seven degrees and thirty minutes west along the northwesterly line of said tract to the northerly line of Scriba's patent, shall be and continue a town by the name of Turin.

JEFFERSON
county

And that all that part of the county of Jefferson contained within the township in Macomb's purchase, distinguished on the map of this state made by the surveyor-general by the name of Minos, together with the waters and islands west thereof to the bounds of the county, shall be and continue a town by the name of Ellisburgh.

Ellisburgh.

Henderson.

And that all that part of the said county of Jefferson contained within township number six in Macomb's purchase, and called Henderson in the surveyor-general's map, and the same extended west to the bounds of the county, shall be and continue a town by the name of Henderson.

Hounsfield.

And that all that part of the said county of Jefferson known and distinguished by township number one, and called Hesiod on the surveyor-general's map, in a tract of land belonging to Henry Champion and others, together with the waters and islands west thereof within said county, shall be and continue a town by the name of Hounsfield.

Lorraine.

And that all that part of the said county of Jefferson known and distinguished by townships number one and two in Macomb's purchase, and called Atticus and Fenelon on the surveyor-general's map, shall be and continue a town by the name of Lorraine.

Rodman.

And that all that part of the said county of Jefferson known and distinguished by township number eight in Macomb's purchase, and called Orpheus on the surveyor-general's map, shall be and continue a town by the name of Rodman.

And that all that part of the said county of Jefferson known and distinguished by township number seven in Macomb's purchase, and called Aleppo on the surveyor-general's map, shall be and continue a town by the name of Adams.

And that all that part of the said county of Jefferson known and distinguished by township number three, in a tract of land belonging to Henry Champion and others, and called Milan on the surveyor-general's map, shall be and continue a town by the name of Rutland.

And that all that part of the said county of Jefferson known and distinguished by township number two of a tract of land belonging to Henry Champion and others, and called Leghorn on the surveyor-general's map, shall be and continue a town by the name of Watertown.

And that all that part of the said county of Jefferson known and distinguished by township number four, in the tract of land aforesaid, and called Howard on the surveyor-general's map, shall be and continue a town by the name of Champion.

And that all that part of the said county of Jefferson bounded as follows, to wit : beginning at the most easterly corner of lot number one hundred and forty-eight of the subdivision of great lot number four of Macomb's purchase, on the line between the counties of St. Lawrence and Jefferson, thence southwesterly on the line between said lot number one hundred and forty-eight and lot number one hundred and forty-nine, and the same course continued to the most easterly corner of lot number one hundred and thirty-four, thence easterly on the line between lot number one hundred and sixty-two and one hundred and sixty-three, and the same course continued to the bounds of the county, and then northerly and westerly along the same to the place of beginning, shall be and continue a town by the name of Antwerp.

And that all that part of the said county of Jefferson bounded easterly by the east line of a tract of land known and distinguished by the name of Penet's square and the said line extended south to the Black river and north to the bounds of the county, southerly by the Black river and a line run west from its mouth to the bounds of the county, and westerly, northerly and northwesterly by the bounds of the county together with the waters and islands west thereof within said county, shall be and continue a town by the name of Brownville.

And that all that part of the said county of Jefferson bounded southerly by the Black river, westerly by Brownville, easterly by the town of Antwerp and the east bounds of the county, northwesterly, northerly and northeasterly by Antwerp and the bounds of the county, shall be and continue a town by the name of Le Ray.

And that all that part of the county of St. Lawrence described and known on the map of this state made by the surveyor-general by the name of Cambray, bounding easterly on the town of DeKalb, southerly on the township of Kilkenny in the town of Russel, westerly on the township of Somerville, and northerly on the township of Hague, shall be and continue a town by the name of Gouverneur.

ST. LAW.
RENCE
County.
Gouverneur.

- Louisville:** And that all that part of the said county of St. Lawrence described on the map of this state as the township of Louisville, bounding southerly on Stockholm, westerly on Madrid, northerly on the river St. Lawrence, and easterly by a line extending from the northeasterly corner of Stockholm to the river St. Lawrence together with all the waters and islands in the river St. Lawrence in front of the said township of Louisville to the line of this state, shall be and continue a town by the name of Louisville.
- Stockholm.** And that all that part of the said county of St. Lawrence which on the map of this state is known and distinguished by the name of the township of Stockholm, shall be and continue a town by the name of Stockholm.
- DeKalb.** And that all that part of the said county of St. Lawrence which on the map of this state is known and distinguished by the name of the township of DeKalb, shall be and continue a town by the name of DeKalb.
- Potsdam.** And that all that part of the said county of St. Lawrence which on the map of this state is known and distinguished by the name of the township of Potsdam, shall be and continue a town by the name of Potsdam.
- Madrid.** And that all that part of the said county of St. Lawrence which on the map of this state is known and distinguished by the name of Madrid, and the same continued northerly to the bounds of the county, shall be and continue a town by the name of Madrid.
- Canton.** And that all that part of the said county of St. Lawrence which is known and distinguished on the map of this state as the township of Canton, shall be and continue a town by the name of Canton.
- Lisbon.** And that all that part of the said county of St. Lawrence known and distinguished on the map of this state by the name of the township of Lisbon, and the same continued northerly to the bounds of the county, shall be and continue a town by the name of Lisbon.
- Oswegatchie.** And that all that part of the said county of St. Lawrence distinguished on the map of this state by the names of the township of Hague and Oswegatchie and the same continued northerly to the bounds of the county, shall be and continue a town by the name of Oswegatchie.
- Russel.** And that all that part of the said county of St. Lawrence known and distinguished as great tract number three in Macomb's purchase, excepting so much thereof as is included within the bounds of the townships of Hammond, Somerville and Kilkenny, shall be and continue a town by the name of Russel.
- Rossie.** And that all that part of the said county of St. Lawrence known and distinguished on the map of this state by the names of the townships of Hammond, Somerville and Kilkenny, and the same continued northerly from the northerly bounds of the township of Hammond to the northerly bounds of the county, shall be and continue a town by the name of Rossie.
- Massena.** And that all that part of the said county of St. Lawrence lying easterly of the town of Louisville and northerly of the north line of the township of Granger in the second great tract in Ma-

comb's purchase, shall be and continue a town by the name of Massena.

And that all that part of the said county of St. Lawrence known and distinguished as the second great tract in Macomb's purchase, shall be and continue a town by the name of Hopkinton. Hopkinton.

And that all that part of the county of Otsego beginning on the east bank of Lake Otsego at the southwest corner of a patent granted to John Groesbeck and others and running easterly and northerly along the bounds of the said patent to the northeast corner thereof, then westerly along the north bounds thereof and the same line continued to the county of Herkimer, then southerly along the east bounds of the said county and the east bounds of the town of Otsego to Lake Otsego, then easterly and southerly along the waters thereof to the place of beginning, shall be and continue a town by the name of Springfield. OTSEGO
County.
Springfield.

And that all that part of the said county of Otsego beginning at the mouth of Cherry-Valley creek and running due east to the east bounds of a patent granted to Volkert Othoudt and others, then northerly along the bounds thereof to the south bounds of great lot number four in the said patent, then westerly along the bounds thereof to the west bounds of the said patent, then northerly along the bounds of the said patent to the northwest corner thereof, then by a line to the southwest corner of a patent known by the name of Beaverdam, then northerly along the west bounds thereof to a patent granted to John Lindsey, then westerly and northerly along the bounds thereof to the town of Springfield, then westerly along the bounds thereof to Lake Otsego, then northerly and westerly along the town of Springfield to the town of Otsego, then southerly along the towns of Otsego, Hartwick and Milford to the place of beginning, shall be and continue a town by the name of Middlefield. Middlefield.

And that all that part of the said county of Otsego, bounded northerly and easterly by the bounds of the county, southerly by Decatur and Westford, and westerly by Middlefield and Springfield, shall be and continue a town by the name of Cherry-Valley. Cherry-Valley.

And that all that part of the said county of Otsego beginning at the northwest corner of the town of Otsego and running westerly along the north bounds of the county to the northwest corner of lot number seventy-eight in Schuyler's patent, thence southerly to the southwest corner of lot number eighty, thence easterly to the southeast corner of lot number three, thence northerly on the east line of said town to the place of beginning, shall be and continue a town by the name of Richfield. Richfield.

And that all that part of the said county of Otsego beginning at the north-east corner of lot number four in the patent granted to David Schuyler and others, thence running westerly to the northwest corner of lot number fifty-three, thence southerly to the southwest corner of lot number fifty-six, thence on the south line of said Schuyler's patent to the southeast corner thereof, thence northerly on the east line of said town to the place of beginning, shall be and continue a town by the name of Exeter. Exeter.

Plainfield. And that all that part of the said county of Otsego bounded westerly and northerly by the bounds of the county, easterly by Richfield and Exeter, and southerly by the north bounds of Colden's patent, and the same continued to the bounds of the county, shall be and continue a town by the name of Plainfield.

Edmeston. And that all that part of the said county of Otsego bounded on the west by the bounds of the county, on the north by the south bounds of Plainfield, on the east by a line run by Jedediah Peck, under the direction of a committee appointed by a vote of the town of Burlington for that purpose in the year one thousand seven hundred and ninety-six, from the south bounds of said Plainfield southerly to the north bounds of the town of New-Lisbon, the line trees are marked T. L. A. B., and on the south by the north bounds of New-Lisbon and Pittsfield, shall be and continue a town by the name of Edmeston.

Burlington. And that all that part of the said county of Otsego bounded northerly by Exeter and Plainfield, westerly by Edmeston, easterly by Otsego and Hartwick, and southerly by New-Lisbon, shall be and continue a town by the name of Burlington.

Unadilla. And that all that part of the said county of Otsego bounded northerly by the towns of Butternuts and Otego, east by Otego and the bounds of the county, and southerly and westerly by the bounds of the county, shall be and continue a town by the name of Unadilla.

Hartwick. And that all that part of the said county of Otsego bounded by a line beginning at a beach tree in the east line of Smith's tract in Croghan's patent at the southwest corner of the land now or late of Theophilus Whalley, thence east along an old line of marked trees on the south line of said Whalley's land and the land now or late of Abel Sill and the south line of the twelve thousand acre tract continued to the middle of the river Oaks, thence down the middle of said river to the Susquehannah river, thence southerly down the Susquehannah river to the southeast corner of Hartwick's patent, thence along the south and west bounds thereof to the northwest corner of the same, and from thence along the east line of Smith's tract to the place of beginning, shall be and continue a town by the name of Hartwick.

Otsego. And that all that part of the said county of Otsego, beginning in the northerly bounds of the town of Hartwick at the southwest corner of a tract of land called the twelve thousand acre tract, and running thence north seven degrees east along the west line of said tract to the south line of Colden's patent, thence east to the southeast corner thereof, thence north along the east line thereof to the southeast corner of Schuyler's patent, thence along the easterly bounds of said patent to the county of Herkimer, thence east by the county of Herkimer to Springfield, thence southerly along the west bounds of Springfield to the southwest corner thereof, thence southerly and westerly along the waters on the easterly shore of Lake Otsego to the outlet of said lake, thence down the same to the town of Hartwick, thence along the easterly and northerly bounds of Hartwick to the place of beginning, shall be and continue a town by the name of Otsego.

Pittsfield. And that all that part of the said county of Otsego, bounded

southerly by Butternuts, easterly by the division line of Croghan and Butler's patent, westerly by the bounds of the county, and northerly by a line running from the west bounds of the county to the town of Hartwick, and described in the following manner: beginning in the west bounds of the county at a tree marked A. D. T. about six miles in a straight line northerly from the northwest corner of the town of Butternuts, and running thence north eighty-eight degrees east to the west line of Veree's patent, thence northerly to the northwest corner thereof, thence along the north line of said patent and the lands formerly owned by John Johnson, and the same line continued to the west line of the town of Hartwick, shall be and continue a town by the name of Pittsfield.

And that all that part of the said county of Otsego, bounded southerly by a line beginning at the southeast corner of Smith's patent on the north line of the town of Laurens, and running thence westerly on said line and the north line of the town of Butternuts to the southeast corner of Pittsfield, westerly by Pittsfield, northerly by the said line running from the west bounds of the county to the town of Hartwick, and easterly by Hartwick and Laurens, shall be and continue a town by the name of New-Lisbon.

And that all that part of the said county of Otsego, bounded northerly by the towns of Hartwick and New-Lisbon, easterly by Milford, southerly by a line beginning at the southeast corner of lot number forty-five in the Otego patent at the west line of the town of Milford, and running thence westerly on the south line of said lot number forty-five, and on the north line of lot number thirty-eight, thence in the same direction across lots number twenty-seven and thirteen in the patent aforesaid to the east line of the town of Butternuts, and westerly by the town of Butternuts, shall be and continue a town by the name of Laurens.

And that all that part of the said county of Otsego, bounded easterly by the east bounds of lots number one, two, three, four, five, six, seven and eight, in the Otego patent to the southeast corner of the last mentioned lot, northerly by a line continued from the south bounds of a tract of land granted to George Croghan in the direction thereof to the Unadilla river, westerly by the west bounds of the county, and southerly by a line beginning at the southwest corner of the town of Otego, and running thence west along the south bounds of lot number eight in the Otego patent to the east bounds of a tract granted to Lewis and Richard Morris, commonly called Morris's patent, thence northerly to the northeast corner of lot number seventy in the patent last mentioned, thence westerly along the south bounds of lots number sixty-three, sixty-two, sixty-one, sixty, fifty-nine and fifty-eight in Morris's patent to a tract of land granted to Clotworthy Upton, commonly called Upton's patent, and the same line continued westerly to the Butternut creek, and thence down the same to the Unadilla river, shall be and continue a town by the name of Butternuts.

Otego.

And that all that part of the said county of Otsego bounded northerly by Laurens, westerly by Butternuts, southerly by a line beginning at the southeast corner of lot number eight in the Otego patent, and running thence along the northerly bounds of lots number eighteen and twenty-one in said patent to the west branch of the Otsdawa creek, thence down the same as it runs to the Susquehannah river, thence up the said river to the southwest corner of the town of Milford, and easterly by Milford, shall be and continue a town by the name of Otego.

Milford.

And that all that part of the said county of Otsego bounded westerly by lots number seventy, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six and forty-seven, in a tract of land granted to Charles Reed, Thomas Wharton and others, commonly called the Otego patent, and the eastern boundary line of the said lots continued southerly to the Susquehannah river, northerly by the town of Hartwick, easterly and southerly by a line beginning at the southeast corner of Hartwick, and running from thence southerly down the Susquehannah river to the mouth of Cherry-Valley creek, thence up the said creek to the northeast corner of lands now or late occupied by Daniel Hunt, thence southeasterly along the line of said Hunt's land and the land now or late of Joseph Enis, until it strikes the height of land between the waters of the Susquehannah river and Skenavus creek, thence southwesterly along the said height of land in such direction as to strike the Charlotte creek at the same distance from the mouth thereof as the said northeast corner of Daniel Hunt's land is distant from the mouth of Cherry-Valley creek, running a right angle from the general course of the Susquehannah river, thence down the Charlotte creek to the mouth of the same, thence down the river Susquehannah until it intersects the easterly bounds of Otego, shall be and continue a town by the name of Milford.

Westford.

And that all that part of the said county of Otsego comprehended within the following bounds to wit: beginning twenty-five chains west from the southeast corner of lot number five of McKee's patent, and running westerly to the centre of the east line of lot number thirty-two of said patent, thence due west to the town of Milford, thence northeasterly along the bounds of Milford and Middlefield to the southwest corner of the town of Cherry-Valley, thence easterly and southerly along said bounds to the northwest corner of Loudon's patent, thence east twenty-five chains, thence southerly in a straight line to the place of beginning, shall be and continue a town by the name of Westford.

Decatur.

And that all that part of the said county of Otsego within the following bounds: beginning twenty-five chains west from the southeast corner of lot number five of M'Kee's patent, and running from thence easterly to the school-house, south of the dwelling-house now or late of Rufus Ingals, thence easterly on a direct line to the height of land northwest of the house now or late of Isaac Jennings, and the same line continued to the east bounds of the county, thence along the same northerly to the southerly bounds of the town of Cherry-Valley, thence west along said bounds to a point twenty-five chains east of the easterly line of M'Kee's patent, thence southerly on a straight line to the place

of beginning, shall be and continue a town by the name of Decatur.

And that all that part of the said county of Otsego within Maryland, the following bounds: beginning at the center line east and west of lot number thirteen in McKee's patent, thence south the bounds of the county, thence westerly along the same to the town of Milford, thence northerly along the easterly bounds of Milford so far that a course due east will strike the division line in the center of lot number thirty-two in McKee's patent, thence with a straight line to the place of beginning, shall be and continue a town by the name of Maryland.

And that all that part of the said county of Otsego bounded Worcester, westerly by Maryland, northerly by Westford and Decatur, southerly and easterly by the bounds of the county, shall be and continue a town by the name of Worcester.

And that all that part of the county of Madison bounded MADISON county, easterly and northerly by the bounds of the county, southerly by the line of the mile strip, so called, in the late Oneida reservation, continued east to the east bounds of the county, and westerly by a line beginning on the said mile strip at the center line of the two mile strip, so called, thence north on said line between the farms now or late of Robertson and John Hill to their north line, thence north to the bounds of the county, shall be and continue a town by the name of Lenox.

And that all that part of the said county of Madison bounded Sullivan, northerly and westerly by the bounds of the county, easterly by Lenox, and southerly by the line of the mile strip, so called, in the late Oneida reservation, continued west to the west bounds of the county, shall be and continue a town by the name of Sullivan.

And that all that part of the said county of Madison known Nelson, by township number one of the twenty townships, on the map made by the surveyor-general of this state, shall be and continue a town by the name of Nelson.

And that all that part of the said county of Madison, containing the land east of the west tier of lots in the third allotment called New-Petersburgh, including that part of the mile strip lying north of the same, shall be and continue a town by the name of Smithfield.

And that all that part of the said county of Madison known Eaton, and distinguished as township number two of the twenty townships on the map made by the surveyor-general of this state, shall be and continue a town by the name of Eaton.

And that all that part of the said county of Madison known Madison, and distinguished as township number three of the twenty townships on the map made by the surveyor-general of this state, shall be and continue a town by the name of Madison.

And that all that part of the said county of Madison known Lebanon, and distinguished as township number five of the twenty townships on the map made by the surveyor-general of this state, shall be and continue a town by the name of Lebanon.

And that all that part of the said county of Madison known Hamilton, and distinguished as township number four of the twenty town-

ships on the map made by the surveyor-general of this state, shall be and continue a town by the name of Hamilton.

Cazenovia. And that all that part of the said county of Madison bounded northerly by Sullivan, westerly by the bounds of the county, easterly by Smithfield and Nelson, and southerly by De Ruyter, shall be and continue a town by the name of Cazenovia.

De Ruyter. And that all that part of the said county of Madison bounded easterly by Lebanon, southerly and westerly by the bounds of the county, northerly by the town of Nelson, and a line beginning at the west bounds of the county on the north line of lot number one hundred and eight of the road township, thence east along said line continued to the west line of township number one, and thence south to the northwest corner of township number six, shall be and continue a town by the name of De Ruyter.

Brookfield. And that all that part of the said county of Madison known and distinguished as townships number eighteen and nineteen of the twenty townships on the map made by the surveyor-general of this state, shall be and continue a town by the name of Brookfield.

CHENANGO county. And that all that part of the county of Chenango known and distinguished as township number seventeen on the map made by the surveyor-general of this state, shall be and continue a town by the name of Columbus.

German. And that all that part of the said county of Chenango bounded northerly and westerly by the bounds of the county, southerly and easterly by a line beginning at the southwest corner of a tract of land commonly called Brakel township, thence easterly to the west line of the twenty townships, thence north to the southwest corner of township number seven, thence east to the southeast corner thereof, and thence north along the west bounds of Smyrna to the northwest corner thereof, shall be and continue a town by the name of German.

Smyrna. And that all that part of the said county of Chenango known and distinguished as township number eight of the twenty townships on the map made by the surveyor-general of this state, shall be and continue a town by the name of Smyrna.

Sherburne. And that all that part of the said county of Chenango comprehending the ninth of the twenty townships, shall be and continue a town by the name of Sherburne.

New-Berlin. And that all that part of the said county of Chenango comprehending the sixteenth township, and the three eastern tier of lots in the tenth and fifteenth townships of the twenty townships on the map made by the surveyor-general of this state, so far south as the quarter line of the said fifteenth township, shall be and continue a town by the name of New-Berlin.

Pharsalia. And that all that part of the said county of Chenango known and distinguished as township number twelve of the twenty townships on the map made by the surveyor-general of this state, shall be and continue a town by the name of Pharsalia.

Plymouth. And that all that part of the said county of Chenango known and distinguished as township number eleven of the twenty townships on the map made by the surveyor-general of this state, shall be and continue a town by the name of Plymouth.

And that all that part of the said county of Chenango bounded easterly by the town of New-Berlin and the east bounds of the county, southerly by the north bounds of the township of Fayette and part of the south bounds of the fourteenth of the twenty townships, westerly by Plymouth and Preston, and northerly by Plymouth, Sherburne and New-Berlin, shall be and continue a town by the name of Norwich.

Norwich.

And that all that part of the said county of Chenango comprehending township number thirteen and that part of township number fourteen which is not included in four tier of lots lying on the east side of the said fourteenth township, shall be and continue a town by the name of Preston.

Preston.

And that all that part of the said county of Chenango bounded northerly by Preston, easterly by Oxford, westerly by the bounds of the county, and southerly by a line beginning in the west bounds of the county on the south line of lot number forty-five in the second township of the Chenango triangle, and running from thence east to the southeast corner of lot number fifty in said township, thence south to the southwest corner of lot number forty-nine in the third township of said triangle, and thence east to the west line of Oxford, shall be and continue a town by the name of Smithville.

Smithville.

And that all that part of the said county of Chenango comprehended in the following bounds, beginning in the line of the county one mile south of the southwest corner of a tract of land granted to Walter Livingston at the southwest corner of lot number seventy-eight, and running thence north to the northwest corner of lot number thirteen, thence east to the southwest corner of lot number ten, thence along the northwest bounds of lot number ten to the northwest corner of said lot, thence east to the northeast corner of lot number nine, thence east to the west bounds of the township of Fayette, thence along the same south to the northwest corner of a tract of sixteen thousand acres of land in the township of Clinton granted to Robert Harpur, thence along the bounds thereof east, south and west to the bounds of the county, then along the same north and west to the place of beginning, shall be and continue a town by the name of Coventry.

Coventry.

And that all that part of the said county of Chenango bounded southerly and westerly by the bounds of the county, northerly by Smithville, and easterly by Oxford and Coventry, shall be and continue a town by the name of Greene.

Greene.

And that all that part of the said county of Chenango bounded northerly by Norwich and Preston, westerly on the east bounds of a tract of land purchased by William S. Smith, called the Chenango triangle, southerly by the south bounds of the township of Fayette, and easterly by the bounds of the county, shall be and continue a town by the name of Oxford.

Oxford.

And that all that part of the said county of Chenango bounded northerly by Oxford, easterly and southerly by the bounds of the county, and westerly by Coventry and the bounds of the county, shall be and continue a town by the name of Jerico.

Jerico.

BROOME
county.
Windsor.

And that all that part of the county of Broome bounded northerly, easterly and southerly by the bounds of the county, westerly by a line beginning in the north line of the county at the northeast corner of Jay and Rutherford's patent, thence south along the east line of said patent to the southeast corner thereof, thence westerly along the south bounds of said patent to the northeast corner of lot number two in Watts's patent about fifty chains from the northwest corner thereof, thence southerly to the northeast corner of lot number eight in Thomas's patent, thence along the east line of the same to the Pennsylvania line, shall be and continue a town by the name of Windsor.

Werkshire.

And that all that part of the said county of Broome bounded northerly and westerly by the bounds of the county, southerly by the south line of the grand division of the Boston ten townships so called, and easterly by a line beginning at the northwest corner of lot number twenty-four of the long lots north of and adjoining the grand division of the Boston purchase, thence running south on the line of division between said lot number twenty-four and lot number twenty-five to the north line of said grand division, thence on said north line to the northeast corner of lot number five hundred and ninety-three in said grand division, thence on the west line of said lot to the southwest corner, thence on the parallel line to the northwest corner of lot number five hundred and sixty eight, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number five hundred and fifty-three, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number five hundred and twenty-eight, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number five hundred and thirteen, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number four hundred and eighty-nine, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number four hundred and twenty-two, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot four hundred and forty-nine, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number four hundred and thirty-two, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number four hundred and ten, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number three hundred and ninety-one, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number three hundred and seventy, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number three hundred and fifty-one, thence on the west line of said lot to the southwest corner thereof, thence on the parallel

line to the northwest corner of lot number three hundred and thirty, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number three hundred and ten, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number two hundred and ninety-one, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number two hundred and seventy, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number two hundred and fifty-one, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number two hundred and thirty, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number two hundred and twelve, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number two hundred and eighty-nine, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number one hundred and seventy-two, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number one hundred and forty-nine, thence on the west side of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number one hundred and thirty-two in the grand division of said townships, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number one hundred and nine, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number ninety-two, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number sixty-nine, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number fifty-two, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number twenty-nine, thence on the west line of said lot to the southwest corner thereof, thence on the parallel line to the northwest corner of lot number twelve, thence on the west line of said lot to the south line of said grand division, shall be and continue a town by the name of Berkshire.

And that all that part of the said county of Broome bounded west by the town of Berkshire, north and east by the bounds of the county, and south by a line beginning at the before mentioned northwest corner of lot number one hundred and thirty-two and running east on the line of lots to the forks of the Chenango river, shall be and continue a town by the name of Lisle.

And that all that part of the said county of Broome bounded northerly by Lisle and the bounds of the county, easterly by Windsor, southerly by the bounds of the state, and westerly by a line beginning at the line between the state of New-York and

the state of Pennsylvania at the southeast corner of the second tract in Sidney called Hammond's patent, thence northerly along the east line of said tract to the southwest corner of lot number four in said tract, thence along the division line between three and four on the east and two and five on the west in said tract to the south line of Bingham's patent, thence along said line to the southwest corner of lot number seventeen in said patent on the south side of the river Susquehannah, thence northerly on the line of division between lots number seventeen and eighteen in said patent to said river, thence across said river to the southwest corner of lot number thirty-four on said patent, thence northerly between lots number thirty-four and thirty-five to the south line of the Boston purchase, thence along said north line to the northwest corner of lot number thirty-two in the township of Chenango in said purchase, thence north on the line of lots to the northwest corner of lot number one hundred and eighty-one in said township of Chenango, thence east on the line of lots to the southeast corner of lot number one hundred and seventy-nine in said township, thence northerly on the line of lots to the north line of said township at the northeast corner of lot number forty-seven, thence on the north line of said township to the southeast corner of lot number six, in the grand division of said Boston purchase, thence north on the east line of said lot to the northeast corner thereof, thence along the parallel line to the southeast corner of lot number thirty-five in said grand division, thence along the east line of said lot to the northeast corner thereof, thence along the parallel line to the southeast corner of lot number forty-six, thence north along the east line of said lot to the northeast corner thereof, thence along the parallel line to the southeast corner of lot number seventy-five, thence northerly along the east line of said lot to the northeast corner thereof, thence along the parallel line to the southeast corner of lot number eighty-six, thence northerly along the east line of said lot to the northeast corner thereof, thence along the parallel line to the southeast corner of lot number one hundred and fifteen, thence northerly along the east line of said lot to the northeast corner thereof, thence along the parallel line to the southeast corner of lot number one hundred and twenty-six, thence northerly along the east line of said lot to the northeast corner thereof, shall be and continue a town by the name of Chenango.

Union.

And that all that part of the said county of Broome, bounded easterly by the town of Chenango, southerly by the Pennsylvania line, northerly by Lisle and Berkshire, and westerly by the towns of Tioga and Berkshire, shall be and continue a town by the name of Union.

Onwego.

And that all that part of the said county of Broome bounded westerly by the bounds of the county, southerly by the Pennsylvania line, northerly by Berkshire, and easterly by a line beginning on the northwest corner of lot number one hundred and seventy-one in the township of Nanticoke, thence running southerly on the line of lots to the southwest corner of lot number one hundred and twenty-one in the same township, thence on the line of said lot number one hundred and twenty-one to the north-

east corner of lot number one hundred and seventeen in said township, thence southerly on the east line of the last mentioned lot to the south line of the Boston purchase, thence along said south line to the northeast corner of Coxe's patent, thence southerly along the east line of said patent to the southeast corner thereof, thence due south to the Pennsylvania line, shall be and continue a town by the name of Owego.

And that all that part of the county of Tioga bounded by a line beginning at the military line in the north bounds of the county on the section line of township number seven, and running thence southerly along the said section line to the centre of the southwest section of said number seven, thence westerly parallel with the south line of said section to the east bounds of Catherinestown, thence along the same to the north bounds of the county, thence easterly along the same to the place of beginning, shall be and continue a town by the name of Cayuta.

TIoga
county.
Cayuta.

And that all that part of the said county of Tioga bounded west and north by the bounds of the county, south by the south bounds of the northern half parts of the townships number one and four of a tract of land patented to John W. Watkins and Royal Flint, and easterly by a line drawn north and south from the middle of the bridge that crosses Balding's mill-creek so called to the north and south line of the county, shall be and continue a town by the name of Catherinestown.

Catherines
town.

And that all that part of the said county of Tioga bounded westerly by the bounds of the county, southerly by the Pennsylvania line, northerly by the town of Catherines, and easterly by the line drawn as aforesaid north and south from the middle of said bridge on Balding's mill-creek, shall be and continue a town by the name of Elmira.

Elmira.

And that all that part of the said county of Tioga comprehended in the following bounds, beginning at the northeast corner of the town of Cayuta, and running thence easterly on the military line to the section line of township number ten, thence southerly along said section line to the north line of the second tier of lots in the southwest section of number ten, thence westerly parallel with the south line of number ten to the east line of township number seven, thence northerly along the east line of number seven to the centre of the southeast section of number seven, thence westerly parallel with the south line of number seven to the section line, thence northerly along said section line to the place of beginning, shall be and continue a town by the name of Danby.

Danby.

And that all that part of the said county of Tioga bounded northerly and easterly by the bounds of the county, westerly by Danby, and southerly by a line beginning at the southwest corner of the northeast section of township number ten, and running thence easterly parallel with the south line of number ten to the west line of township number eleven, thence southerly along the west line of said township number eleven sixty chains, thence easterly parallel with the south line of township number eleven to the west line of section number six on Owego creek, thence southerly along the west line of section number six to the south-

Caroline.

west corner thereof, thence easterly along the south line of the last mentioned section to Owego creek, shall be and continue a town by the name of Caroline.

Candor. And that all that part of the said county of Tioga bounded northerly by Caroline, easterly by the bounds of the county, southerly and westerly by a line beginning at the Owego creek where the same is intersected by the Chemung line, and running thence westerly on the line of Chemung to the section line of township number nine, and thence northerly along said section line to the centre of township number ten, shall be and continue a town by the name of Candor.

Tioga. And that all that part of the said county of Tioga bounded easterly by the bounds of the county, southerly by Pennsylvania, northerly by the old Chemung line, and westerly by the Cayuta creek, shall be and continue a town by the name of Tioga.

Spencer. And that all that part of the said county of Tioga bounded southerly by Owego, easterly by Danby and Candor, northerly by Danby and Cayuta, and westerly by the Cayuta creek, shall be and continue a town by the name of Spencer.

Chemung. And that all that part of the said county of Tioga bounded easterly by Owego and Spencer, northerly by Cayuta and Spencer, westerly by Elmira and Catherinestown, and southerly by the Pennsylvania line, shall be and continue a town by the name of Chemung.

CORTLAND county. **Truxton.** And that all that part of the county of Cortland comprehended within that part of the township of Fabius, lying within the bounds of the said county, together with all that part of the township of Solon lying north of a line running east from the southwest corner of lot number thirty-one in said township to the east line thereof, shall be and continue a town by the name of Truxton.

Preble. And that all that part of the said county of Cortland comprehended within that part of the township of Tully, lying within the bounds of the said county, shall be and continue a town by the name of Preble.

Cincinnatus. And that all that part of the said county of Cortland known as the township of Cincinnatus, shall be and continue a town by the name of Cincinnatus.

Virgil. And that all that part of the said county of Cortland known as the township of Virgil, shall be and continue a town by the name of Virgil.

Homer. And that all that part of the said county of Cortland known as the township of Homer, shall be and continue a town by the name of Homer.

Solon. And that all that part of the said county of Cortland bounded northerly by Truxton, westerly by Homer, southerly by Cincinnatus, and easterly by the bounds of the county, shall be and continue a town by the name of Solon.

ONONDAGA county. **Fabius.** And that all that part of the county of Onondaga comprehended within that part of the township of Fabius lying within the bounds of the said county of Onondaga, shall be and continue a town by the name of Fabius.

And that all that part of the said county of Onondaga lying ^{Otisco} east of the Otisco Lake and outlet south of lot number sixty-three and sixty-four in the town of Marcellus and the town of Onondaga, together with the western tier of lots in the town of Pompey, and that part of the township of Tully lying west of lots number seven and seventeen in said township east of the Otisco inlet, and north of lots number twenty-three, twenty-four, twenty-five and twenty-six of the said township, shall be and continue a town by the name of Otisco.

And that all that part of the said county of Onondaga compre- ^{Marcellus} hending the township of Marcellus, excepting that part included in the town of Otisco, shall be and continue a town by the name of Marcellus.

And that all that part of the township of Tully in the county ^{Spafford} of Onondaga lying west of a line beginning at the northwest corner of lot number twenty-five and running thence south to the bounds of the county, together with all that part of the township of Sempronius lying east of Skeneateles Lake, shall be and continue a town by the name of Spafford.

And that all that part of the said county of Onondaga compre- ^{Tully} hended within that part of the township of Tully in the said county of Onondaga, lying east of Spafford and Otisco, shall be and continue a town by the name of Tully.

And that all that part of the said county of Onondaga com- ^{Pompey} prehending the township of Pompey, excepting so much thereof as is included in Otisco, shall be and continue a town by the name of Pompey.

And that all that part of the said county of Onondaga compris- ^{Salina} ed within the following bounds, viz : beginning at a point on the southerly bank of the Seneca river, where the westerly bounds of the salt reservation strikes the same, thence southerly and easterly on the bounds of said reservation until it strikes the southeast corner of lot twenty-eight in the township of Manlius, thence north along the east bounds of lots twenty-eight, nineteen and eight to the south bounds of lot number four, thence north through the middle of the same to the north bounds of the township of Manlius, thence west to the easterly bounds of said salt reservation, thence northerly on said bounds to said Seneca river, thence up said river to the place of beginning, shall be and continue a town by the name of Salina.

And that all that part of the said county of Onondaga contained ^{Onondaga} within the limits and bounds of a tract of land known by the name of the late Onondaga reservation, shall be and continue a town by the name of Onondaga.

And that all that part of the said county of Onondaga compre- ^{Manlius} hended within that part of the township of Manlius not included in the bounds of the town of Salina, shall be and continue a town by the name of Manlius.

And that all that part of the said county of Onondaga compre- ^{Camillus} hending the township of Camillus, shall be and continue a town by the name of Camillus.

And that all that part of the said county of Onondaga compre- ^{Hannibal} hending the township of Hannibal together with so much of said

county as covers Lake Ontario, shall be and continue a town by the name of Hannibal.

Cicero. And that all that part of the said county of Onondaga comprehending the township of Cicero, shall be and continue a town by the name of Cicero.

Lysander. And that all that part of the said county of Onondaga comprehending the township of Lysander, shall be and continue a town by the name of Lysander.

CAYUGA county. Genoa. And that all that part of the county of Cayuga comprehending the township of Milton, as distinguished on a map of the military tract filed in the secretary's office by the surveyor-general of this state and extending to the middle of the Cayuga Lake, shall be and continue a town by the name of Genoa.

Locke. And that all that part of the said county of Cayuga comprehending the township of Locke, as distinguished on the map made by the surveyor-general of this state, shall be and continue a town by the name of Locke.

Dryden. And that all that part of the said county of Cayuga comprehending the township of Dryden as distinguished on the said map, shall be and continue a town by the name of Dryden.

Sempronius. And that all that part of the said county of Cayuga comprehending all that part of the township of Scipio as distinguished on the said map, lying east of the Owasco Lake, together with all that part of the township of Sempronius lying in the county of Cayuga as also distinguished on the same map, shall be and continue a town by the name of Sempronius.

Scipio. And that all that part of the said county of Cayuga comprehending the township of Scipio as distinguished on the said map, and extending to the middle of the Cayuga Lake, excepting such part thereof as lies east of the Owasco Lake, and comprehending that part of the lands reserved to the Cayuga nation of Indians lying on the east side of the middle of the Cayuga Lake, south of a west line drawn from the southwesterly corner of the township of Aurelius, in the east bounds of the said reservation to the middle of said Cayuga Lake, shall be and continue a town by the name of Scipio.

Owasco. And that all that part of the said county of Cayuga comprehending all that part of the township of Aurelius lying east of a line beginning at a point in the south bounds of said township where the same intersects the waters of the Owasco Lake, and running thence along the waters of the said lake until it intersects the south bounds of lot number forty-seven in said township and south of a line running thence east to the east bounds of the county, shall be and continue a town by the name of Owasco.

Brutus. And that all that part of the said county of Cayuga bounded southerly by Owasco, easterly by the bounds of the county, northerly by the Seneca river, and westerly by lots number fifty, sixty-three, seventy-four, eighty-five and ninety-five, in the township of Brutus, and lots number five, sixteen, twenty-six, thirty-eight and forty-seven, in the township of Aurelius, shall be and continue a town by the name of Brutus.

Seneca. And that all that part of the said county of Cayuga bounded northerly and westerly by the Seneca river, easterly by Brutus,

and southerly by the north bounds of lots number twenty-one, twenty-two, twenty-three, twenty-four and twenty-five, in the late Cayuga reservation, and the north bounds of lots number twenty-four, twenty-five and twenty-six in the township of Aurelius, shall be and continue a town by the name of Mentz.

And that all that part of the said county of Cayuga, bounded easterly by Owasco and Brutus, northerly by Mentz, and Brutus, southerly by the south bounds of the township of Aurelius, continued to the bounds of the county, and westerly by the bounds of the county, shall be and continue a town by the name of Aurelius.

And that all that part of the said county of Cayuga called the township of Sterling, not included in the town of Wolcott, and the same extended north to the bounds of the county, shall be and continue a town by the name of Sterling.

And that all that part of the said county of Cayuga bounded the south by the Seneca river, on the east by the bounds of the county, on the north by the town of Sterling and the bounds of the county, and on the west by the towns of Wolcott and Galen, shall be and continue a town by the name of Cato.

And that all that part of the said county of Cayuga, lying north of the township of Galen, and west of the west bounds of Cato, and the same continued to the bounds of the county, shall be and continue a town by the name of Wolcott.

And that all that part of the county of Seneca comprehending the township of Ulysses, as distinguished on the said map, and extending to the middle of the Cayuga lake, shall be and continue a town by the name of Ulysses.

And that all that part of the said county of Seneca comprehending the township of Hector, as distinguished on the said map, and extending to the west bounds of the county, shall be and continue a town by the name of Hector.

And that all that part of the said county of Seneca comprehending the township of Ovid, as distinguished on the said map, and extending east and west to the east and west bounds of the county, shall be and continue a town by the name of Ovid.

And that all that part of the said county of Seneca contained within the following bounds, to wit: beginning at the Seneca lake at the southwest corner of lot number thirty-seven, and northwest corner of lot number forty-three in the township of Romulus, as distinguished on the said map, from thence west to the west bounds of the county, and east between said lots number thirty-seven and forty-three, thirty-eight and forty-five, thirty-nine and forty-six, forty and forty-seven, to the west bounds of lot number forty-two, then south to the northwest corner of lot number forty-eight, then east to the west bounds of the Cayuga reservation, then northwardly along the said reservation line, to the west corner of lot number fifty-three of said reservation, then easterly between lots number fifty-three and fifty-eight, fifty-four and fifty-nine, fifty-five and sixty, fifty-six and sixty-one of said reservation, and the same course continued to the middle of the Cayuga lake, then southwardly up the middle of the Cayuga lake, to the northeast corner of the town of Ovid, thence west to

the west bounds of the county, thence northwardly along the same till an east line will strike the place of beginning, and then east to the place of beginning, shall be and continue a town by the name of Romulus.

Junius.

And that all that part of the said county of Seneca bounded northerly by Galen, easterly and westerly by the bounds of the county, southerly by the Seneca river and the south bounds of lots number six, seven, eight and nine in the township of Romulus and the south bounds of lots number eighteen, nineteen, twenty and twenty-one in the late Cayuga reservation, continued to the middle of the Cayuga lake, shall be and continue a town by the name of Junius.

Fayette.

And that all that part of the said county of Seneca bounded southerly by Romulus, easterly and westerly by the bounds of the county, and northerly by Junius, shall be and continue a town by the name of Fayette.

Galen.

And that all that part of the said county of Seneca comprehending the township of Galen, as distinguished on the said map, shall be and continue a town by the name of Galen.

ONTARIO
county.

Lyons.

And that all that part of the county of Ontario beginning two miles north of the northwest corner of number twelve in the first range, thence easterly parallel with said town line to the west line of the county of Seneca, thence southerly along said county of Seneca to the northeast corner of the town of Phelps, thence west along the town of Phelps to the southeast corner of the town of Palmira, thence north along said line to the place of beginning, shall be and continue a town by the name of Lyons.

Sodus.

And that all that part of the said county of Ontario bounded northerly and easterly by the bounds of the county, southerly by Lyons, and westerly by Williamson, shall be and continue a town by the name of Sodus.

Williamson.

And that all that part of the said county of Ontario comprehending townships number thirteen and fourteen in the second range, and the same continued north to the bounds of the county, shall be and continue a town by the name of Williamson.

Ontario:

And that all that part of the said county of Ontario comprehending townships number thirteen and fourteen in the third range, and the same continued to the north bounds of the county, shall be and continue a town by the name of Ontario.

Penfield.

And that all that part of the said county of Ontario comprehended within the following bounds, beginning at the southeast corner of township number thirteen in the fourth range, thence running west to the east line of township number thirteen in the seventh range, thence north twenty-three degrees east, to the middle of Gerundegut creek, thence northerly down the middle of said creek to Gerundegut bay, thence down the middle of said bay to its junction with Lake Ontario, thence north to the bounds of the county, thence easterly along the same, to a northerly continuation of the east bounds of township number fourteen in the fourth range, thence southerly along the east lines of townships number fourteen and thirteen in the range last mentioned, and the continuation of the same as aforesaid to the place of beginning, shall be and continue a town by the name of Penfield.

And that all that part of the said county of Ontario beginning at the southeast corner of township number twelve in the fourth range, and running thence west along the south bounds to the southwest corner thereof, thence southerly along the east line of township number twelve in the seventh range, to the southeast corner of said last mentioned township, thence west along the south line thereof to the bounds of the county, thence northerly along the same to the north bounds of the county, thence easterly along the bounds of said county to the northwest corner of the town of Penfield, thence southerly and easterly along the bounds of Penfield to the northwest corner of Perrington, and thence south along the west bounds thereof to the place of beginning, shall be and continue a town by the name of Smallwood.

Smallwood.

And that all that part of the said county of Ontario known and distinguished as township number twelve in the fourth range of townships shall, from and after the first Monday of April, one thousand eight hundred and thirteen, be and continue a town by the name of Perrington.

Perrington.

And that all that part of the said county of Ontario comprehending townships number twelve in the second and third ranges, shall be, and continue a town by the name of Palmyra.

Palmyra.

And that all that part of the said county of Ontario comprehending townships number eleven in the second and third ranges, shall be and continue a town by the name of Farmington.

Farmington.

And that all that part of the said county of Ontario comprehending township number eleven, and the north half of number ten in the first range, and the same continued to the east bounds of the county, shall be and continue a town by the name of Phelps.

Phelps.

And that all that part of the said county of Ontario bounded northerly by Phelps, westerly by the east bounds of townships number nine and ten in the second range, easterly by the bounds of the county, and southerly by the south bounds of township number nine in the first range continued to the east line of the county, shall be and continue a town by the name of Seneca.

Seneca.

And that all that part of the said county of Ontario bounded by a line beginning at the southeast corner of said county and running thence westerly along the south bounds thereof to the east shore of the Crooked Lake, thence northerly along the said east shore to the southeast shore of the outlet of said lake, thence north to the south line of township number eight in the first range, thence along the south line of said township to the southwest corner thereof, thence northerly along the west line of said township to the northwest corner thereof, thence easterly along the north line of said township to the northeast corner thereof, thence east to the bounds of the county, thence southerly along the east bounds of the county to the place of beginning, shall be and continue a town by the name of Benton.

Benton.

And that all that part of the said county of Ontario comprehending township number seven in the second range, together with that part of township number seven in the first range lying west of the town of Benton, shall be and continue a town by the name of Jerusalem.

Jerusalem.

- Gorham.** And that all that part of the said county of Ontario comprehending townships number nine and ten in the second range, shall be and continue a town by the name of Gorham.
- Canandarqua.** And that all that part of the said county of Ontario comprehending townships number nine and ten in the third range, shall be and continue a town by the name of Canandarqua.
- Middlesex.** And that all that part of the said county of Ontario comprehending township number eight in the second range, and that part of number eight in the third range which lies east of the middle of Canandarqua Lake, shall be and continue a town by the name of Middlesex.
- Bristol.** And that all that part of the said county of Ontario comprehending townships number eight and nine in the fourth, and that part of number eight in the third range which lies west of the middle of Canandarqua Lake, shall be and continue a town by the name of Bristol.
- Naples.** And that all that part of the said county of Ontario comprehending township number seven in the third, fourth and fifth ranges, shall be and continue a town by the name of Naples.
- Sparta.** And that all that part of the said county of Ontario comprehending township number seven in the seventh range, and township number seven in the sixth range, shall be and continue a town by the name of Sparta.
- Groveland.** And that all that part of the said county of Ontario comprehending township number eight in the seventh range, and the west half of township number eight in the sixth range of Phelps and Gorham's purchase, shall be and continue a town by the name of Groveland.
- Avon.** And that all that part of the said county of Ontario comprehending townships number ten and eleven in the seventh range, shall be and continue a town by the name of Avon.
- Geneseo.** And that all that part of the said county of Ontario comprehending township number nine in the seventh range, shall be and continue a town by the name of Geneseo.
- Victor.** And that all that part of the said county of Ontario known and distinguished as township number eleven in the fourth range of townships, shall be and continue a town by the name of Victor.
- Mendon.** And that all that part of the said county of Ontario known and distinguished as township number eleven in the fifth range of townships, shall be and continue a town by the name of Mendon.
- Bloomfield.** And that all that part of the said county of Ontario comprehending township number ten in the fourth range, and that part of township number ten in the fifth range which lies east of the Honeoye creek, shall be and continue a town by the name of Bloomfield.
- Lima.** And that all that part of the said county of Ontario comprehending township number ten in the sixth range, and that part of township number ten in the fifth range which lies west of Honeoye creek, shall be and continue a town by the name of Lima.
- Livonia.** And that all that part of the said county of Ontario comprehending township number nine and the east half of township number eight in the sixth range, together with the tract of land

lying east of said number nine known and distinguished by the name of the oblong tract, shall be and continue a town by the name of Livonia.

And that all that part of the said county of Ontario comprehending townships number eight and nine in the fifth range of townships, shall be and continue a town by the name of Honeoye. Honeoye.

And that all that part of the county of Steuben known and distinguished as townships number one, two and three, in the first and second range of townships, and being at the southeast corner of the said county, together with the gore lying between the east boundary line of townships number one, two and three, in the first range, and the east bounds of the said county, shall be and continue a town by the name of Painted-Post. STEBEN
county.
Painted-Post

And that all that part of the said county of Steuben lying east of the old pre-emption line and bounded on the south by the county of Tioga and the town of Painted-Post, and on the north and east by the bounds of the county, and on the west by the said pre-emption line, shall be and continue a town by the name of Reading. Reading.

And that all that part of the said county of Steuben comprehending townships number four, five and six in the first range, and the easterly half of townships number four and five in the second range, and that part of township number six in the second range lying east of the westerly shore of the Crooked Lake, shall be and continue a town by the name of Wayne. Wayne.

And that all that part of the said county of Steuben, beginning at a point in the south bounds of the county, in the middle of township number one in the fourth range, and running thence west along the bounds of the county to the southwest corner of township number one in the sixth range, thence north along the west line of townships number one and two in the sixth range to a point equi-distant from the northwest and southwest corners of said township number two in the sixth range, thence east to the centre of township number two in the fourth range, and thence south through the middle of townships number one and two in the fourth range to the place of beginning, shall be and continue a town by the name of Troupsburgh. Troupsburgh

And that all that part of the said county of Steuben, comprehending townships number one, two and three in the third range, township number four in the fourth range, and that part of townships number one and two, in the fourth range not included in the town of Troupsburgh, shall be and continue a town by the name of Addison. Addison.

And that all that part of the said county of Steuben included in township number six of the second range of townships and the five north tier of lots in township number five of said range, shall be and continue a town by the name of Pulteney. Pulteney.

And that all that part of the said county of Steuben, comprehended within the following bounds: beginning at the northwest corner of township number six in the second range, thence

west to the centre line of township number six in the fourth range, then south to the south line of said township number six in the fourth range, thence south from said line three miles to the centre line of number five in said range, thence east to the northeast corner of the centre line number five in the third range, thence north along the east line of number five and six in the third range to the northeast corner of township number six in the third range and northwest corner of township number six in the sixth range, shall be and continue a town by the name of Prattsburgh.

Cohocton.

And that all that part of the said county of Steuben, comprehended within the following bounds: beginning at the northwest corner of Prattsburgh, thence west to the northwest corner of township number six in the fifth range, thence to the southwest corner of said township, thence south to the northwest corner of lot number seventy in township number five in the fifth range, thence east to the west line of township number five in the fourth range, thence north on said west line to the centre line of township number four in the fifth range, thence east to the southwest corner of the township of Prattsburgh, thence north on the west line of Prattsburgh to the place of beginning, shall be and continue a town by the name of Cohocton.

Howard.

And that all that part of the said county of Steuben, comprehended within the following bounds, to wit: all township number four in the fifth range, excepting one thousand four hundred and forty acres, or one hundred and twenty-five chains square in the southwest corner of said township, and the south part of township number five in the fifth range not included in Cohocton, shall be and continue a town by the name of Howard.

Bath.

And that all that part of the said county of Steuben, comprehending township number four in the fourth range, township number four in the third range, the western half of township number four in the second range, the southwest quarter of township number five in the second range, that part of township number five in the third range not included in the town of Pulteney, and that part of township number five in the fourth range not included in the town of Cohocton, shall be and continue a town by the name of Bath.

Dansville.

And that all that part of the said county of Steuben, known and distinguished by townships number five and six in the sixth range of townships, and that part of township number six in the fifth range not included in the town of Cohocton, shall be and continue a town by the name of Dansville.

Canisteo.

And that all that part of the said county of Steuben, comprehending township number three in the fifth range, townships number three and four in the sixth range, that part of township number two in the fifth range, and township number two in the sixth range not included in the town of Troupsburgh, and including the gore between number three in the fourth and number three in the fifth range, and also the gore between number four and five in the sixth range, shall be and continue a town by the name of Canisteo.

And that all that part of the county of Allegany, comprehending townships number one, two, three and four in the seventh range of townships in Phelps and Gorham's purchase, shall be and continue a town by the name of Alfred.

ALLEGANY
county.
Alfred.

And that all that part of the said county of Allegany, comprehending townships number five and six in the seventh range of said townships, shall be and continue a town by the name of Ossian.

Ossian.

And that all that part of the said county of Allegany, bounded east by Ossian and the east bounds of the county, northerly and westerly by the bounds of the county, and southerly by the division line between the fifth and sixth tier of townships in the Holland purchase and the said line continued east to Ossian, shall be and continue a town by the name of Nunda.

Nunda.

And that all that part of the said county of Allegany, bounded north by Nunda, south and west by the bounds of the county, and on the east by the transit meridian line being the east boundary line of the lands now or late belonging to the Holland land company, shall be and continue a town by the name of Caneadea.

Caneadea.

And that all that part of the said county of Allegany, bounded on the north by Nunda, east by Alfred and Ossian, west by Caneadea, and south by the bounds of the county, shall be and continue a town by the name of Angelica.

Angelica.

And that all that part of the county of Genesee, known and distinguished by the name of East and West Pulteney, shall be and continue a town by the name of Riga.

GENESEE
county.
Riga.

And that all that part of the said county of Genesee, known and distinguished by the names of Fairfield, the Gore and Brad-dock's bay, together with the territory north thereof to the bounds of the county, shall be and continue a town by the name of Parma.

Parma.

And that all that part of the said county of Genesee known and distinguished by the name of the triangle lying north of a line beginning at the northeast corner of number one in the first range of Gorham and Phelps's purchase on the west side of Genesee river, and running from thence west to the east transit line run by Joseph and Benjamin Ellicott, in the year one thousand seven hundred and ninety-eight, together with all the lands lying between the said triangle and the said transit line and north of the aforesaid line running west from the northeast corner of number one in the said first range aforesaid and so much as lies between a line run north from the northeast corner of said triangle, and a continuation of the said transit line to the north bounds of the county, shall be and continue a town by the name of Murray.

Murray.

And that all that part of the said county of Genesee lying east of Parma and north of Riga, shall be and continue a town by the name of Gates.

Gates.

And that all that part of the said county of Genesee beginning at the northeast corner of township number one in the first range of Phelps and Gorham's purchase, on the side of said river,

Caledonia.

and running thence southerly up the said river to the northwest corner of number nine in the seventh range on the east side of said river, thence west to a line between lots number thirty-two and forty, and running thence north on said line to the north line of lots number twenty-five and thirty-three of the forty thousand acre tract, from thence eastwardly on the south line of township number one, second range to the southeast corner of lot number one hundred and sixteen of said township number one, thence north till it intersects the north line of township number one, second range between lots numbers fifty-three and fifty-four, thence east to the place of beginning, shall be and continue a town by the name of Caledonia.

Leicester. And that all that part of the said county of Genesee bounded southerly and easterly by the bounds of the county, northerly by Caledonia and Bellona, and westerly by the east transit line run by Joseph and Benjamin Ellicott in the year one thousand seven hundred and ninety-eight, shall be and continue a town by the name of Leicester.

Warsaw. And that all that part of the said county of Genesee comprehending townships number eight and nine in the first range of the lands of the Holland company, shall be and continue a town by the name of Warsaw.

Attica. And that all that part of the said county of Genesee comprehending townships number eight, nine and ten, in the second range of the lands of the Holland company, shall be and continue a town by the name of Attica.

Sheldon. And that all that part of the said county of Genesee bounded westerly and southerly by the bounds of the county, northerly by the division line between the tenth and eleventh tier of townships, and easterly by the town of Attica and the county of Allegany, including townships number eight, nine and ten, in the third and fourth ranges, and that part of township number seven in the third and fourth ranges lying in the county of Genesee, shall be and continue a town by the name of Sheldon.

Le Roy. And that all that part of the said county of Genesee bounded easterly by Caledonia, and on the north, south and west by a line running from the southwest corner of Caledonia west to the east transit line run by Joseph and Benjamin Ellicott in the year one thousand seven hundred and ninety-eight, thence along the same north to the south bounds of Murray, thence along the same east to the town of Caledonia, shall be and continue a town by the name of Le Roy.

Ridgeway. And that all that part of the said county of Genesee lying north of the division line between the thirteenth and fourteenth tiers of townships in the first and second ranges of townships of the Holland land company, and north by the northern bounds of the Tonawanta Indian reservation in the third and fourth ranges of said township, shall be and continue a town by the name of Ridgeway.

Pembroke. And that all that part of the said county of Genesee bounded on the north by the southern bounds of the Tonawanta Indian reservation, east by the meridian line between the second and third ranges of townships of the Holland land company, south

by the division line between the tenth and eleventh tiers of said townships, and west by the meridian line between the fourth and fifth ranges of said townships, being the eastern bounds of the county of Niagara, shall be and continue a town by the name of Pembroke.

And that all that part of the said county of Genesee comprehending township number eleven in the second range of townships of the Holland land company, shall be and continue a town by the name of Alexander.

And that all that part of the said county of Genesee comprehending township number eleven in the first range of townships of the Holland land company, shall be and continue a town by the name of Bethany.

And that all that part of the said county of Genesee bounded south by Alexander and Bethany, on the west by Pembroke, on the north by Ridgeway, and on the east by Murray and Bellona, shall be and continue a town by the name of Batavia.

And that all that part of the said county of Genesee comprehending township number ten in the first range of the lands of the Holland company, shall be and continue a town by the name of Middlebury.

And that all that part of the county of Niagara, distinguished as townships numbered nine of the Holland land company, west of the transit meridian line, and all that part of the Buffalo reservation, west of the aforesaid transit line, and not comprehended in the town of Buffalo, and the same with the said townships extended west to the bounds of the county, shall be and continue a town by the name of Hamburg.

And that all that part of the said county of Niagara, distinguished as township number eight in the seventh, eighth and ninth ranges of townships west of the transit meridian line and said townships extended west to the bounds of the county, shall be and continue a town by the name of Eden.

And that all that part of the said county of Niagara, distinguished as townships number eight and nine in the fifth and sixth ranges of townships east of the transit meridian line and extending north to Clarence, shall be and continue a town by the name of Willink.

And that all that part of the said county of Niagara which lies south of Eden and Willink, shall be and continue a town by the name of Concord.

And that all that part of the said county of Niagara bounded north and east by the bounds of the county, west by the meridian line dividing the sixth and seventh ranges of townships and the same continued to the north bounds of the county, and south by the main stream of the Tonawanta creek, shall be and continue a town by the name of Hartland.

And that all that part of the said county of Niagara bounded east by Hartland, north and west by the bounds of the county, and south by a line dividing townships number fourteen and fifteen, and the same continued to the west bounds of the county, shall be and continue a town by the name of Porter.

Schlosser. And that all that part of the said county of Niagara bounded east by Hartford, north by a line dividing townships number thirteen and fourteen, and the same continued to the west bounds of the county, west by the line of this state, south by Tonnewanta creek, and a line extended west from the mouth thereof to the bounds of the state, shall be and continue a town by the name of Schlosser.

Cambria. And that all that part of the said county of Niagara bounded on the north by Porter, on the east by Hartland, on the south by Schlosser, and on the west by the line of this state, shall be and continue a town by the name of Cambria.

Clarence. And that all that part of the said county of Niagara, bounded northerly by Hartland, southerly by a line running west from the meridian line between the fourth and fifth ranges of townships of the Holland land company, through the middle of the Buffalo creek Indian reservation, easterly by the bounds of the county, and westerly by the west transit line, shall be and continue a town by the name of Clarence.

Buffaloe. And that all that part of the said county of Niagara bounded northerly by Schlosser, easterly by Clarence, southerly by a line running west from the meridian line between the fourth and fifth ranges of townships of the Holland land company, through the middle of the Buffalo creek Indian reservation to the boundary line between the United States and the dominions of the king of Great-Britain, and westerly by the same boundary line, shall be and continue a town by the name of Buffaloe.

CHAUTAUQUE county. And that all that part of the county of Chautauque distinguished as townships number one and two in the tenth range, and one and two in the eleventh range of townships of the land of the Holland company, shall be and continue a town by the name of Ellicott.

Ellicott.

Gerry. And that all that part of the said county of Chautauque distinguished as townships number three and four in the tenth and eleventh ranges of townships of the land of the Holland company, shall be and continue a town by the name of Gerry.

Hanover. And that all that part of the said county of Chautauque distinguished as townships number five and six of the tenth range, and the east half of townships number five and six in the eleventh range of townships of the land of the Holland company, and the same continued to the north bounds of the county, shall be and continue a town by the name of Hanover.

Pomfret. And that all that part of the said county of Chautauque bounded on the east by Hanover, on the north by the bounds of the county, on the south by the division line between the fourth and fifth tiers of townships of the Holland land company, and on the west by the division line between the twelfth and thirteenth ranges of said townships, and the same continued to the north bounds of the county, shall be and continue a town by the name of Pomfret.

Chautauque. And that all that part of the said county of Chautauque bounded easterly by Ellicott, Gerry, Hanover and Pomfret, northerly by Pomfret and the bounds of the county, and westerly and southerly by the bounds of the county, shall be and continue a town by the name of Chautauque.

And that all that part of the county of Cattaraugus lying on the north side of the line running east and west between the third and fourth tiers of townships of the land of the Holland company, shall be and continue a town by the name of Ischua.

CATTA-
RAUGUS
county.
Ischua.

And that all the remaining part of the said county of Cattaraugus, shall be and continue a town by the name of Olean.

Olean.

II. *And be it further enacted*, That none of the bounds or lines by this act assigned for the limits of any of the said towns, shall be construed to affect the right or title of any person or body politic, or confirm the bounds or rights of any patent whatsoever.

III. *And be it further enacted*, That where any towns in this state are separated from each other by a river or creek, in every such case, the middle of the channel of the river or creek shall be and hereby is declared to be the division line between them; and wherever any boundary line between two towns runs or may run across any island, the whole of such island shall be deemed to be within the town in which the greater part of it lies, unless otherwise particularly expressed.

IV. *And be it further enacted*, That nothing in this act contained shall be deemed or construed to alter the lines or bounds of any of the towns erected, or in any wise affect the laws whereby such towns were erected at the present session of the legislature, any thing herein contained to the contrary notwithstanding.

CHAP. CXVII.

An ACT to alter the line between the Counties of Jefferson and Lewis, and to erect a new Town by the name of Wilna.

Passed April 2, 1813.

[S. sess. 36. 189.]

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the boundary line between that part of the counties of Jefferson and Lewis lying on the east side of the Black river, shall hereafter be as follows, to wit: beginning at the Black river, at the southeasterly corner of the town of Champion, thence up the said river to a point where the division line between the nineteenth and twentieth northern ranges of lots of great lot number four of Macomb's purchase strikes the river, then easterly along the said line to the southwest corner of the lot in the twentieth northern and eighth western ranges, then northerly along the line between the eighth and ninth western ranges to the southwest corner of the lot in the twenty-third northern and eighth western ranges, then easterly along the division line between the twenty-second and twenty-third northern ranges to the southwest corner of the lot in the twenty-third northern and fifth western ranges, then north to the south line of great lot number four, then easterly on said line to the corner of lots No. 904 and 942 of great lot No. 4, then northerly on the

Line between
Jefferson and
Lewis altered.

line between lots No. 904 and 942 to the southerly line of lot No. 905, then westerly along said line to the most westerly corner of said lot No. 905, then northerly on the line between lots No. 900 and 905, and the same course continued to the most westerly corner of lot No. 908, then westerly on the line between lots No. 897, 898, and the same course continued to the most westerly corner of lot No. 866 on the line between the said counties.

Town of
Wilna erect-
ed.

II. *And be it further enacted*, That from and after the first day of January next all the tract included between the bounds mentioned in the first enacting clause of this bill and the boundaries between the counties of Lewis and Jefferson on the east side of the Black river, as the same existed previous to the passing of this law, together with all that part of the town of Le Ray bounded southerly by the Black river, easterly and northerly by the above mentioned line and the town of Antwerp, and westerly by a line beginning at the most easterly corner of lot No. 710, and running southerly on the division line between lots No. 710 and 739, and the same course continued until it intersects the Black river, be erected into a new town by the name of Wilna, and that all the remaining part of the town of Le Ray and all the remaining part of the town of Leyden shall be and remain separate towns as heretofore, by the respective names of Le Ray and Leyden, and the next town meetings in the said towns of Le Ray and Leyden shall be held where they now stand adjourned to in said towns.

CHAP. X.

An ACT dividing the Town of Russell.

Passed January 27, 1813.

[S. sess. 36. 9.]

Town of
Rossie erect-
ed.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the town of Russell in the county of St. Lawrence, which on the map of this state is known and distinguished by the townships of the names of Hammond, Somerville and Kilkenny, shall be and hereby is erected into a separate town by the name of Rossie; and that the first town meeting shall be held at the dwelling-house of Reuben Streater, in said town; and that all the remaining part of the said town of Russell, shall be and remain a separate town by the name of Russell.

CHAP. XV.

An ACT for dividing the Town of Windham into three Towns.

Passed January 27, 1813.

[S. sess. 36. 12.]

Town of
Greenland
erected.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the town of Wind-

ham, in the county of Greene, lying east of the easterly line of great lot number twenty-two in the Hardenbergh patent, and south of the height of land between the East kill and the Great hollow, be erected into a separate town by the name of Greenland, and that the first town-meeting in the said town of Greenland be held at the house of Daniel Bloomer in said town; that all that part of the said town of Windham lying northwardly of the last mentioned line and of the height of land between Batavia and the south mountain settlement, crossing the highway leading from John Tuttle's to Abel Holcomb's, at a hemlock sapling standing on the east side of said road, marked R.D. and crossing the Schoharie kill on the south line of lot number eighteen in the subdivision of lot number twenty in the said Hardenbergh patent, and running from thence westerly to the county of Delaware, be erected into a separate town by the name of Windham; and that the first town-meeting in the said town of Windham, shall be held at the house of John Tuttle in said town; and that all the remaining part of the said town of Windham shall be erected into a separate town by the name of New-Goshen, and that the first town-meeting in the said town of New-Goshen shall be held at the house of Abel Holcomb, in said town.

II. *And be it further enacted*, That this act shall take effect from and after the first day of April next:

CHAP. XXX.

An ACT for dividing the Town of Wayne, in the County of Steuben.

Passed February 12, 1813.

[S. sess. 36. 30.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday in March next, all that part of the town of Wayne south of township number five in the first range of towns, and south of the easterly half of township number five in the second range of towns, and also the gore of land lying on the east side of number four in the first range, and contained between the old and new pre-emption lines, and on the west bounds of the county of Tioga, is hereby erected into a separate town by the name of Jersey, and that the first town-meeting shall be held at the house of John N. Hight, inn-keeper in said town.

II. *And be it further enacted*, That all the remaining part of the town of Wayne shall be and remain a separate town by the name of Wayne; and that the next town-meeting shall be where their last annual town-meeting was held.

VOL. II.

CHAP. XXXVIII.

An ACT to divide the Town of Thurman, in the County of Washington.

Passed February 12, 1813.

[S. sess. 36. 38.]

Towns of Athol & Warrenburgh erected.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That* from and after the first Monday in April next, all that part of the town of Thurman, beginning on the east side of the Hudson river, at the northwest corner of the town of Luzerne, thence eastwardly along the north line of the town of Luzerne until it strikes the west line of the town of Caldwell, thence northwardly along the said line to the Schroon river, thence up the said river following the centre thereof, to the south line of the town of Chester, thence westwardly along the south line of the town of Chester until it strikes the north branch of the Hudson river, thence down the said river to the place of beginning, shall be and is hereby erected into a separate town by the name of Warrenburgh; and the first town-meeting shall be held at the house of Melinda Warren, in said town; and all the remaining part of the town of Thurman shall be and remain a separate town by the name of Athol; and the first town-meeting shall be held at the house of Stephen Griffin, in said town of Athol.

III. *And be it further enacted, That* the annual town-meetings in each of the said towns of Warrenburgh and Athol shall be held on the first Tuesday in April in each and every year thereafter.

CHAP. LXVI.

An ACT to alter the name of the Town of New-Goshen, in the County of Greene.

Passed March 19, 1813.

[S. sess. 36. 90.]

New-Goshen altered to Lexington.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the town of New-Goshen, in the county of Greene, shall be called and known by the name of Lexington.

CHAP. CVII.

An ACT to divide the Town of Mexico, in the County of Oneida.

Passed April 2, 1813.

[S. sess. 36. 169.]

New-Haven erected,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That* from and after the first Mon-

day in March next, all that part of the town of Mexico, in the county of Oneida, comprehending the nineteenth township of Scriba's patent (so called) be and hereby is erected into a separate town by the name of New-Haven, and that the first town-meeting shall be held at the house of Ansel Snow, in said town.

II. *And be it further enacted*, That the remaining part of the said town of Mexico shall be and remain a town by the name of Mexico, and the first town-meeting shall be held at the place to which the last town-meeting in said town of Mexico is adjourned.

CHAP. CXI.

An ACT to divide the Town of Oxford, in the County of Chenango.

Passed April 2, 1813.

[S. sess. 36. 172.]

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly*, That from and after the first Monday in March next all that part of the town of Oxford, in the county of Chenango, lying east of a line beginning at the north line of the township of Fayette, in said town, between lots number forty-six and fifty-five, and running thence south until it intersects the south line of the said township of Fayette, between lots number sixty-three and seventy-one, be and hereby is erected into a separate town by the name of Eastern, and the first town-meeting shall be held at the house of Jehiel Parsons, in said town of Eastern.

II. *And be it further enacted*, That the remaining part of the town of Oxford shall be and remain a separate town by the name of Oxford, and that the first town-meeting shall be held at the house of Erastus Perkins, in said town.

CHAP. CXX.

An ACT to divide the Town of Murray, in the County of Genesee, into three Towns.

Passed April 2, 1813.

[S. sess. 36. 193.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the day preceding the first Tuesday in April, one thousand eight hundred and fourteen, all that part of the town of Murray, in the county of Genesee, beginning at the southeast corner of the said town, thence running northwardly on the dividing line between the towns of Riga and Murray to the north line of township number two on the triangle, from thence due west to the transit line, from thence due south on the dividing line between the towns of Bavaria and Murray to the southwest corner of said town of Murray,

from thence due east to the place of beginning on the dividing line between the towns of Caledonia and Murray, be and hereby is erected into a separate town by the name of Bergen, and the first town-meeting shall be held at the house of Samuel Butler in said town.

Sweden erect-
ed

II. *And be it further enacted*, That from and after the day preceding the first Tuesday in April, one thousand eight hundred and fourteen, all that part of the said town of Murray beginning at the south-east corner of the last described town, and running northwardly on the dividing line between the towns of Riga and Parina to the north line of township number three on the triangle, from thence due west to the transit meridian line, from thence due south on said transit line to the northwest corner of the first described town, from thence due east to the place of beginning, be and hereby is erected into a separate town by the name of Sweden, and the first town-meeting shall be held at the house of Johnson Beedle in said town.

III. *And be it further enacted*, That from and after the day preceding the first Tuesday in April, one thousand eight hundred and fourteen, all the remaining part of the said town of Murray shall be and remain a separate town by the name of Murray, and the first town-meeting in the said town shall be held in the house of Henry M'Call.

CHAP. CXLIII.

An ACT altering the time of holding Town-meeting in the Town of Rossie, and the name of the Town of Bellona.

Passed April 6, 1813.

[S. sess. 36. 222.]

II. *And be it further enacted*, That from and after the tenth day of May next, the town of Bellona, so called, in the county of Genesee, shall be known and called by the name of Le Roy, and all returns, laws, records and proceedings heretofore made or had from, to, of or respecting that town, either by the name of Bellona or Le Roy, shall be as valid in law as if the said town had been heretofore called or known by the name of Le Roy.

CHAP. CLXI.

An ACT to divide the Town of Chautauque, in the County of Chautauque, into two Towns.

Passed April 9, 1813.

[S. sess. 36. 254.]

Town of Port-
land erected.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That after the passing of this act all that part of the town of Chautauque beginning at the north-west corner of township number three in the fifteenth range of the land belonging to the Holland company, thence south on the line

of the state of Pennsylvania to the southwest of township number three in the fifteenth range aforesaid, thence east between the second and third tier of townships eight miles and one quarter of a mile to a post, thence north between lots number thirty-three, forty-one, thirty-four, forty-two, thirty-five and forty-three, to the place where the said line intersects the Chautauque creek, thence down the centre of said creek to a point, thence by a line to be drawn from said point to the southeast corner of township number five in the thirteenth range crossing the bridge road at the five mile post in said road, thence north bounding on said township number five in the thirteenth range to the boundary line of this state, thence southwesterly along said boundary line till it comes to a place opposite the place of beginning, thence to the place of beginning, shall be and hereby is erected into a town by the name of Portland, and the first town-meeting in said town of Portland shall be held at the house of Jonathan Cass; and that all the remaining part of the said town of Chautauque shall be and remain a separate town by the name of Chautauque, and that the first town-meeting in the said town of Chautauque shall be held at the house where the courts are held in the village of Mayville.

CHAP. XXXV.—(R.L.)

An ACT relative to the Duties and Privileges of Towns.

Passed March 19, 1813.

[Br. ed. 6, 41, 93, 30, 66, 62.—V.S. v. 1. 3, 14, 36, 54, 225, 291, 438, 310, 553.—Ibid. v. 2. 756, 567, 738, 689.—Gr. v. 1. 12, 317, 330.—Ibid. v. 2. 166, 217, 230.—Ibid. v. 3. 94, 125, 353, 431.—K.&R. v. 1. 325.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the freeholders and inhabitants of the several towns in this state who are or shall be qualified by law to vote at town-meetings, shall assemble together and hold town-meetings in their respective towns on the first Tuesday in April in every year, and then and there choose one supervisor, one town clerk, not less than three nor more than five assessors, one or more collectors, each of whom shall be liable only for the monies which they are respectively directed to collect, in such parts of the town as shall be assigned to them by the supervisor, two overseers of the poor, and three commissioners of highways for the same town, each of which town officers before mentioned shall be a freeholder and inhabitant of the same town; and so many constables, fence-viewers and pound-masters for the same town, being inhabitants of the same town, as to the freeholders and inhabitants of said town so met, or the major part of them, shall seem necessary and convenient; and as many overseers of highways as there are road-districts in each of the towns respectively, except in the counties of Suffolk, Queens, Kings and Richmond; and the freeholders and inhabitants of the several towns in those counties to choose as many overseers of highways as they shall deem necessary and convenient; which said several officers shall hold their respective offices for one year, and until others shall be chosen in their places; and

Town officers when and how to be chosen. K.&R. v. 1. 325 § 1.

Constitution of this state, art. 29.

13 Ed. 1. st. 2. c. 6.

29 Geo. 2. c. 25

182 Ph. & M.

c. 12.

43 Ed. c. 2.

7 Geo. 3. c. 42.

13 & 14 Car. 2.

c. 12.

13 Geo. 3. c. 73

5 Com. dig.

180 B.

2 D. & F. 395.

9 John. Rep.

136.

2 Ibid. 184.

the said supervisor, town clerk, assessors, collectors, overseers of the poor, commissioner of highways and constables, shall be chosen by ballot, and in case any of the officers so chosen in any such town shall refuse to serve, or die, or remove out of the town, or become incapable of serving, before the next annual town-meeting, then and in every such case it shall be lawful for the freeholders and inhabitants of such town to supply every such vacancy in manner aforesaid, at a special town-meeting to be notified and held for that purpose in the manner herein after directed: *Provided al-*

Provido declaring that collectors of taxes shall give bonds for executing their office faithfully.

Sess. 34. c 57.
§ 5.

Bonds where lodged.

Sess 34. c 57
§ 5

Bond when put in suit.

Further proviso.

Sess 34. c 246
Sess 34. c 57
§ 1

Constables also to give security for duly executing their duties.

To be approved by town clerk or supervisor.

Sess 34. c 57
§ 2.

Sureties how and when liable.

Sess 34. c 57
§ 4

A copy of the instrument *prima facie* evidence.

ways, That every collector chosen or appointed in any such town, or in any of the wards of any city in this state, shall, before he enters upon the duties of his office, and within eight days after he shall have received notice from the supervisor of the amount of the tax list, execute to the supervisor of such town or ward, a bond, with one or more sureties to be approved of by the supervisor of such town, in double the amount of the taxes to be collected by such collector, and conditioned for the due and faithful execution of the duties of his office, which bond, so taken and approved of by the supervisor of such town or ward, shall be lodged with the said supervisor, and in case such bond shall become forfeited, and the amount of the tax list cannot be recovered from such collector in pursuance of the section of the act, entitled "an act for the assessment and collection of taxes," it shall then be the duty of the treasurer of the county to give notice to the supervisor with whom such bond is lodged of the amount due from the said collector, and the said supervisor shall then cause the said bond to be put in suit, and shall be entitled to recover thereon the amount due from such collector, with costs of suit; which sum when recovered, shall by such supervisor be applied in the same manner and to the same purposes to which such collectors ought to have applied the same: *And provided farther,* That every constable chosen or appointed in every such town or ward shall, before he enters upon the duties of his office and within ten days after his election or appointment to be approved of by the town clerk or by the supervisor of such town or ward, execute under their hands and seals before such supervisor or town clerk, and cause to be filed in the office of the clerk of such town, an instrument in writing, by which such constable and his sureties shall jointly and severally agree to pay to each and every person, such sum of money as the said constable shall become liable to pay for or on account of any execution, which shall be delivered to such constable for collection; and on which instrument the said town clerk or supervisor of such town or ward shall endorse that he approves of the sureties therein named, and every such constable and his sureties shall jointly and severally be responsible to each and every person to whom such constable shall become liable to pay any sum of money for or on account of any execution which shall be delivered to such constable for collection, in the same manner as such constable would have been responsible had this act not been passed, and a copy of such instrument, certified by the clerk of such town, shall be *prima facie* evidence in all courts, of the execution of such instrument by such constable and his sureties; but no person hereaf-

ter to be elected or appointed a constable or collector in any town or ward in this state, shall incur any penalty by such refusal to serve as is herein before mentioned. sess 34. c 57 § 6.

II. *And be it further enacted*, That for the more orderly holding town-meetings, it shall be and is hereby made the duty of the justices of the peace for the time being, to attend at every town-meeting hereafter to be held in and for the town in which they respectively reside; and that the said justices of the peace, or such of them as shall attend at such meeting, shall preside at, and superintend the same, and take care that the business thereof be orderly and regularly conducted; and shall in case of dispute, determine, who have, and who have not a right to vote or be elected at such meeting according to law; and if no justice of the peace shall reside in the town at the time of holding such meeting, then the clerk of the town who was elected at the last preceding meeting; and in case there shall be no justice of the peace or town clerk attending at any such town-meeting, then such person as shall be chosen by the freeholders and inhabitants at such meeting to preside, shall preside at such meeting, and have and exercise all the powers and authorities hereby vested in the justices. Justices to preside at town-meetings. K&R. v 1. 326 § 2

III. *And be it further enacted*, That every male person being a citizen of this state, who shall be above the age of twenty-one years, and shall have resided in any town six months next preceding such town-meeting, and paid taxes within the same, or shall be possessed of a freehold, or shall have rented a tenement of the yearly value of five dollars, for the term of one year within the same, shall have a right to vote at such meeting, and no other person. And determine who have the right to vote. And if no justice reside in the town, then town clerk to preside, and if neither attend, then some person to be chosen by the meeting. Qualifications of voters at town meeting. K&R. v 1 326, 327. § 3

IV. *And be it further enacted*, That no town-meeting shall be held longer than two days, and shall only be held open between sunrise and sunset, and shall be held at such place in each town as the freeholders and inhabitants thereof at their town-meeting shall from time to time appoint. No town-meeting to be held longer than two days, and then between sunrise and sunset. K&R. v 1 327. § 4

V. *And be it further enacted*, That if any of the said cities or towns shall neglect to choose such officers as aforesaid or any of them, or in case any of the officers so chosen in and for any city or town shall refuse to serve, or die, or remove out of the city or town for which he shall be chosen, or become incapable of serving before the next annual town-meeting or election after he shall be chosen, and the city or town for which he was chosen shall not within fifteen days next after such refusal, death, removal, or incapacity happens, choose another in the room of such person according to law; in every such case it shall and may be lawful for any three of the justices of the peace in the same county, residing in such city, or in or near to such city or town, and they are hereby required to nominate, and by warrant under their hands and seals to appoint all and every such officers as aforesaid, as the freeholders and inhabitants of the same city or town ought to have chosen as aforesaid; and each of the said officers so appointed shall hold his office for so long time, and have the same powers, and be liable to the same penalties as if he had been elected to the same office by the freeholders and inhabitants of such city or town, or according to the acts relating to the choice of such officers in any such city. Vacancies in town offices how filled. K&R. v 1 327. § 6

Town officers
to take an
oath of office.
K&R. v 1
327, § 7

VII. *And be it further enacted*, That each supervisor, town clerk, assessor, commissioner of highways, overseer of highways, overseer of the poor, constable and fence-viewer hereafter to be elected or appointed shall, before he enters upon the execution of his office, and within fifteen days after such election or appointment, take and subscribe an oath before some justice of the peace in the form hereafter prescribed for such officers respectively to take, that is to say: every supervisor shall take and subscribe an oath in the following form, to wit: "I , do

Oath of supervisor.

solemnly and sincerely promise and swear (or affirm, as the case may be) that I will in all things to the best of my knowledge and ability, faithfully and impartially execute and perform the trust reposed in me as supervisor of the (here insert the name of the place) in the county of (here insert the name of the county) and that I will not pass any account or any article thereof, wherewith I shall think the said county is not justly chargeable, nor will I disallow any account or any article thereof wherewith I shall think the said county is justly chargeable." And every town clerk shall take and subscribe an oath in the following form, to wit: "I ,

Oath of town clerk.

town clerk of the town of , in the county of , do solemnly and sincerely promise and swear (or affirm) that I will faithfully and honestly, keep all the books, records, writings and papers by virtue of my said office of town clerk committed, and which shall from time to time be committed unto me, and in all things to the best of my knowledge and understanding, well and faithfully perform the duties of my said office of town clerk, without favor or partiality." And every assessor shall take and subscribe an oath in the following form, to wit: "I , do solemnly and sincerely promise

§ John. Rep.
549

Oath of assessor.

and swear, (or affirm) that I will honestly and impartially assess the several persons and estates within the (here insert the name of the place) in the county of (here insert the name of the county) and that in making such assessments I will, to the best of my knowledge and judgment, observe the directions of the several laws of this state, directing and requiring such assessments to be made." And every commissioner of highways shall take and subscribe an oath in the following form, to wit: "I , do

Oath of commissioner of highways.

solemnly and sincerely promise and swear (or affirm) that I will in all things to the best of my knowledge and understanding, well and faithfully execute the trust reposed in me as a commissioner of highways for (here insert the name of the town and county) without favor or partiality." And every overseer of the poor and constable shall take and subscribe an oath in the following form, to wit: "I , do solemnly and sincerely promise and

Oath of overseer of the poor and constable.

swear (or affirm) that I will in all things to the best of my knowledge, understanding and ability, well and faithfully execute and perform the trust reposed in me as an overseer of the poor, (or constable as the case may be) of the (here insert the name of the place) in the county of (here insert the name of the county)." And every overseer of highways, and fence-viewer, shall take and subscribe an oath in the following form, to wit:—"I , do solemnly and sincerely promise and swear, (or affirm) that

Oath of overseer of highways and fence-viewer.

I will in all things, to the best of my knowledge and ability, well faithfully and impartially, execute and perform the trust reposed

ed in me as an overseer of highways (or a fence-viewer, as the case may be) in the town of (here insert the name of the town) in the county of (here insert the name of the county);” *And further*, That every justice of the peace before whom such oath shall be taken and subscribed as aforesaid, shall, without fee or reward, certify under the same writing, the day and year when the same oath was taken, and subscribe his name thereto, and then deliver the same writing to the person taking the same oath, who shall, within eight days thereafter, transmit or deliver the same to the clerk of the town for which such officer so taking such oath was elected or appointed; and if any supervisor, assessor, commissioner of highways, overseer of highways, overseer of the poor, constable or fence-viewer, of any town, shall not take and subscribe such oath as aforesaid, and transmit or deliver the same to the town-clerks as aforesaid, within the time hereby limited, or if any collector or constable shall not give such security as is by law required, within the time for that purpose limited, then, and in every such case, such neglect shall be deemed a refusal to serve in such office, and the city or town in which such officer was chosen may thereupon proceed to a new choice according to law.

Justice to administer such oaths without fee or reward.

Oath in writing so taken to be filed with the town clerk in eight days.

What acts deemed a refusal to fill a town office.

VIII. *And be it further enacted*, That it shall be and hereby is made the duty of the clerks of the several towns in this state, on or before the second Tuesday of May after every annual election for town officers in the respective towns of this state, to transmit to the respective county clerks of the county in which the respective towns are situate, a certified copy of the names of the constables chosen at such elections; and if any town-clerk shall wilfully omit to perform the duty hereby required of him, such omission is hereby declared to be a public misdemeanor, and on conviction thereof, the court, before whom such conviction shall be had, shall and may adjudge the person convicted to pay a fine not exceeding ten dollars.

Town-clerks to transmit to clerk of county the names of the constables elected for each town. K. & R. v. 1. 502, § 6.

Penalty.

IX. *And be it further enacted*, That if any person hereafter chosen or appointed a supervisor, town-clerk, assessor, collector, commissioner of highways, overseer of the poor, or constable, as aforesaid, shall refuse to take upon him or to serve in such office, or if any such supervisor, town-clerk, assessor, commissioner of highways, or overseer of the poor, shall proceed in the execution of such office, before he shall have taken and subscribed such oath as aforesaid, or if any such collector or constable shall proceed in the execution of his office before he shall have given such security as is or shall be required by law, then, and in every such case, every person so neglecting, or refusing, or doing, shall forfeit to the people of this state the sum of sixty-two dollars and fifty cents, to be recovered by action of debt, or information in any court of record; and the attorney-general of this state is hereby required to prosecute for all such penalties and forfeitures, and to pay the same when recovered to the treasurer of this state, for the use of the people thereof; and in every such action or information it shall be sufficient to set forth that the defendant at a certain time and place, became indebted to the people of the state

Supervisor, town-clerk, assessor, collector, commissioner of highways, overseer of the poor, etc. refusing to act, or acting without being qualified, or giving security, etc. subject to a penalty.

Penalty.

Attorney-general required to sue therefor

Form of declaring and proceeding.

of New-York in the sum of sixty-two dollars and fifty cents, as a forfeiture incurred by reason that the defendant having been elected or appointed, as the case may be, a supervisor, town-clerk, assessor, collector, commissioner of highways, overseer of the poor, or constable, as the case may be, did refuse to take upon him and to serve in his said office, or did proceed in the execution of his said office without taking and subscribing the oath by law required, or without giving the security by law required, as the case may be, contrary to the form of the act relative to the duties and privileges of towns, to be paid to the people of the state of New-York aforesaid, when he shall be thereunto afterwards required, and to give the special matter in evidence : *Provided always*, That nothing in this act contained shall be construed to compel any Quaker or reputed Quaker to act as an assessor or collector, who shall affirm that he hath conscientious scruples about executing the duties of such office.

Proviso in behalf of Quakers.

Overseer of highways, fence-viewer, or pound-master, neglecting or refusing to serve, or serving without being sworn, subject to a penalty. K. & R. v. l. 330. § 9. Penalty, and how recovered

X. *And be it further enacted*, That if any person hereafter chosen or appointed an overseer of highways, fence-viewer, or pound-master, shall neglect or refuse to take upon him the said office, or if such overseer of highways, or fence-viewer, shall proceed in the execution of his office before he shall have taken and subscribed his oath as aforesaid, then, and in every such case, such person shall forfeit and pay the sum of twelve dollars and fifty cents, to be recovered with costs before any justice of the peace by action of debt, the one moiety thereof to the use of the poor of the town for which such officer was chosen or appointed, and the other moiety thereof with costs of suit to the use of any person who shall prosecute for the same to effect.

Town-clerks to deliver the papers to their successors on oath. K. & R. v. l. 330. § 10. Or if dead, then by their executors, &c. on oath.

Penalty for refusal or neglect.

Attorney-general to sue therefor

Mode of proceeding and declaring.

XI. *And be it further enacted*, That upon the death or the expiration of the office of the town-clerk of any town, all the records, books, writings and papers, belonging to the same office, shall be delivered to the successor in office upon the oath of the preceding town-clerk, or in case of his death, upon the oath of his executors or administrators ; and if any such preceding town-clerk, or his executors or administrators, shall refuse or neglect to deliver the same upon oath as aforesaid, being lawfully demanded, every such person shall forfeit to the people of this state for every such refusal or neglect, the sum of two hundred and fifty dollars, to be recovered by action of debt, or by information, in any court of record ; and the attorney-general of this state is hereby required to sue for such forfeiture, and pay the same, when recovered, to the treasurer of this state, for the use of the people of this state ; and in every such action or information, it shall be sufficient to set forth, that the defendant on the day such demand was made, became indebted to the people of the state of New-York in the sum of two hundred and fifty dollars, as a forfeiture incurred by reason that the defendant did neglect and refuse to deliver to the succeeding town-clerk, the records, books, writings and papers, belonging to the same office, contrary to the form of the act relative to the duties and privileges of towns, to be paid to the people of the state of New-York, when he should be thereunto required, and to give the special matter in evidence.

XII. *And be it further enacted,* That the freeholders and inhabitants of each of the said towns are hereby authorised at their respective annual town-meetings or at any other town-meeting held for that purpose in their respective towns from time to time, to make such prudential rules and regulations as the majority of the freeholders and inhabitants of such towns respectively so assembled at their respective town-meetings and having a right to vote there, shall from time to time judge necessary and convenient for the better improving of their common lands in tillage, pasturage, or any other reasonable way, and for making, maintaining and amending their partition and circular fences for their lands, gardens, orchards and meadows, and for ascertaining and directing the use and management and the times and manner of using their common lands and meadows and the other commons, and the times places and manner of permitting or preventing cattle, horses, sheep and swine, or any of them to go at large, and for impounding all manner of cattle and creatures whatsoever, and for ascertaining the sufficiency of all partition and other fences, and for making and maintaining such and so many pounds and at such places as may be necessary and convenient, and for ascertaining and limiting the fees to be taken by the fence-viewers respectively, and to impose such penalties on the offenders against such rules and regulations or any of them as the majority of such freeholders and inhabitants so assembled shall from time to time deem proper, not exceeding twelve dollars and fifty cents for each offence, to be recovered with costs of suit by the supervisor of the town where the offence shall be committed, in the name of the supervisor of such town for the use of the same town by action of debt before any justices of the peace residing in any other town in the same county; and no such action shall be abated or discontinued by the death or expiration of the office of such supervisor, but may be continued and prosecuted to effect by his successor in office; and all such penalties when recovered shall be applied for the use of the town where such offence shall be committed, in such manner and for such purposes as the freeholders and inhabitants of the same town where such offence shall be committed, at their town-meetings or the majority of them there assembled shall from time to time direct and appoint: *And further,* That all such rules and regulations so to be made as aforesaid in each town, shall be recorded by the town clerk of the same town, in a book by him to be provided for that purpose, and shall remain in full force until the same shall be revoked or altered or new made in the manner aforesaid at some subsequent town-meeting, all which alterations and new rules and regulations shall also from time to time be recorded as aforesaid and shall continue in force until revoked, altered or new made as aforesaid.

XIII. *And be it further enacted,* That it shall be lawful for the defendant in any action commenced pursuant to the preceding section of this act for any injury committed on the common lands belonging to any of the towns within this state to justify on a plea of title, and the defendant interposing such plea of justification, shall commit the same to writing, and having signed the same in

Town-meetings to make regulations concerning their
K. & R. v. 1.
331, § 11

Common lands.
V. S. v. 1.
3, 291.
2 John. Rep. 170
Partition and other fences.
V. S. v. 1.
3, 289, 290

Time and manner, etc. of using common lands, meadows, etc.

Sufficiency of fences.
4 John. Rep. 414

Fence-viewers' fees.
Penalties not exceeding twelve dollars and fifty cents

How recoverable.

Not to be abated by death of supervisor, etc.

Penalties how applied.

Town clerk to record regulations, etc.
7 John. Rep. 549

In suits relating to the com. lands defendant may plead title.
W. v. 5. 372.
April 11, 1808
§ 1

Proceedings
thereupon.

If plaintiff re-
cover in com-
mons then dou-
ble costs.

Recognizance
to appear and
defend, etc. to
be taken by
the justice.

Freeholders
and inhabit-
ants of the town
competent
witnesses.
W. v. 5- 372
§ 2
April 11, 1808

Town may al-
low rewards
for destroying
bears, pan-
thers, wild-
cats and fox-
es.
K. & R. v. 1,
332 § 12
And raise mo-
nies to prose-
cute for and
defend their
common
rights.

How raised,

Special town-
meetings how
convened.
K. & R. v. 1, 332
§ 13

the presence of the justice before whom the action shall have been brought shall deliver the said plea to such justice who shall then countersign the same and deliver it to the plaintiff; and thereupon it shall and may be lawful for the said plaintiff to commence and prosecute such action against the said defendant in the court of common pleas in the county in which such common lands are situate; and if such plaintiff shall recover in such action the defendant shall be liable to pay double costs to the said plaintiff, and on the trial of such action the plea signed by the defendant shall be conclusive evidence that he relied on his title to defend himself against such action, and that every justice to whom such plea shall be tendered, shall, before he shall receive the same, exact from the defendant together with one sufficient surety, a recognizance in the sum of fifty dollars, conditioned that if such plaintiff shall commence a suit before the next court of common pleas for the recovery of damages for such trespass, such defendant shall appear and put in special bail in such court within twenty days after the first day of the then next term of the said court, and that in every case in which such plea shall be tendered and the defendant shall not forthwith enter into such recognizance, the justice shall proceed in the same manner as if such plea had not been tendered.

XIV. *And be it further enacted*, That on every trial to be had by virtue of the preceding section of this act, the freeholders and inhabitants of the town in which such common lands are situate (except the plaintiff in such action) shall be and are hereby declared to be competent witnesses.

XV. *And be it further enacted*, That it shall be lawful for the freeholders and inhabitants of each at the said towns of their respective annual town-meetings, or at any other town-meeting held for that purpose, to make such provisions and allow such rewards for the destruction of wolves, bears, panthers, wild-cats and foxes, and to direct such sum of money to be raised in such town for that purpose, and for prosecuting and defending the common rights of such town as the major part of the freeholders and inhabitants so assembled at any such town-meeting shall deem necessary and proper; which money shall be raised and levied, together with and in the same manner as the money raised in such town for the support of the poor shall be raised and levied.

XVI. *And be it further enacted*, That whenever it shall be necessary to hold a town-meeting in either of the said towns, or wards in any of the said cities, for any of the purposes required by this act, at any time between any of the said annual town-meetings, due notice thereof shall be given by the town clerk, in writing under his hand, specifying the time, place and purposes of such town-meeting, and fixed up at four or more of the most public places in the same town or ward, at least eight days before the time therein appointed for holding such town-meeting, and the town clerk of each of the said towns is hereby required to give such notice whenever it shall be necessary to hold such town-meeting for electing any of the officers aforesaid in such town, or when he shall be required to do so by any twelve or more freeholders of

such town or ward, and when according to law any such election in any ward of any city shall become necessary.

XVII. *And be it further enacted*, That where the lands or meadows of any two or more persons shall join each other, each of them shall make and maintain a just proportion of the division fence between them, except such persons shall choose to let their lands or meadows lay vacant and open; and in case any disputes shall arise concerning the part or proportion of the fence to be made and maintained by either party, the same shall be settled by the fence-viewers of such place where such lands or meadows shall be situated, or any two of them, whose decision shall be conclusive; and if any person shall neglect or refuse to make and maintain his or her part or proportion of such fence, or shall permit the same to be out of repair, every such person shall be liable to, and shall pay, all such damages as shall accrue to his or her neighbors, thereby to be appraised and ascertained by the fence-viewers of the same place, or any two of them, not interested therein, and to be recovered with costs in any court having cognizance of the same; and in case the party so neglecting or refusing shall continue such neglect or refusal for the space of one month after notice and request to make or repair such fence, then and in every such case it shall be lawful for the party injured thereby, to make or repair all the said fence at the expense of the party so neglecting or refusing, to be recovered with costs of suit in any court having cognizance of the same; and in case any person who shall have made his proportion of any such fence shall conclude or be disposed to throw up his said lands or meadow for common feeding, or to let the same lay open, such person shall give three months notice thereof to the person or persons in possession of the lands or meadows adjoining, and if such fence shall be removed without giving such notice or before the expiration of the said three months, then the person removing the same shall be liable to make good all such damages as the party injured by such removal shall sustain thereby, to be recovered as aforesaid with costs.

Division fences how maintained.
K. & R. v. 1. 332.
§ 14

Fence-viewers to settle disputes.
4 John. Rep. 414—9 Ib. 136

Owners may lay open their lands on giving 3 month's notice.

And whereas, in some parts of this state, the fences inclosing meadow and low land are frequently injured, destroyed or carried away by floods and high tides which generally happen in the spring of the year, and the owners of such meadow or low land lose a great part of the profits thereof for the whole year, unless the said fence be speedily repaired or new made: Therefore,

XVIII. *Be it further enacted*, That in all cases where such partition fence shall be so injured, destroyed or carried away, every person who ought by law to make or repair the same shall make or repair the same, or his just proportion thereof within ten days after he shall be thereunto required by any person interested therein, and if any person shall refuse or neglect to make or repair his proportion of such fence for the space of ten days after such request as aforesaid, then it shall be lawful for the party injured thereby to make or repair all the said fence at the expense of the party so neglecting or refusing, and to recover the same with costs in any court having cognizance thereof.

Partition fences when destroyed, how repaired, &c.
K. & R. v. 1.
333, § 15.

Distress of
beasts damage
thereof.

K.&R. v. 1.
333. § 16.

Fence-viewers
to appraise
the damage.

2 John. Rep.
191.

8 ib. 151.

Decision of
fence-viewers
as to suffi-
ciency of fence
conclusive.

4 John. Rep.
414.

9 ib. 136.

Beasts to be
put in the
nearest pound

Common
council of
New-York and
Hudson to re-
gate fences,
&c.

K.&R. v. 1.
334. § 17

Pounds to be
kept in each
city and town.

K.&R. v. 1.
334. § 18.

Common
council of
New-York,
Albany and
Hudson to ap-
point pound-
master.

Pound-mas-
ters fees.

When and by
whom to be
paid.

K.&R. v. 1. 14,
223.

If not paid
how and when
to be sold.

XIX. *And be it further enacted,* That when any distress shall be made of any beasts doing damage, the person distraining shall, as soon as conveniently may be, and within twenty-four hours thereafter, unless the distress be made on Saturday, in which case he shall before Tuesday morning thereafter, make application to the two nearest fence-viewers in the same town to appraise and ascertain the damage, who shall immediately thereupon go to the place where such damage shall be committed and view the damage done and appraise, ascertain and certify under their hands the amount thereof, with their fees for the same, and if any dispute shall arise concerning the sufficiency of the fence it shall be determined by the same fence-viewers whose decision shall be conclusive, and the person making the distress shall as soon as he shall think proper, and within forty-eight hours after making such distress, unless the damage shall be sooner paid, cause the beasts so distrained to be put in the nearest pound in the same county, where they shall remain until the sum so certified by the fence-viewers, with the fees of the pound-master, shall be paid, or the beasts so impounded be replevied.

XX. *And be it further enacted,* That it shall and may be lawful for the common council of the respective cities of New-York and Hudson to make such rules and regulations for making, amending and maintaining the fences in the said cities respectively, as well partition fences as others, as they shall from time to time judge most proper and convenient.

XXI. *And be it further enacted,* That there shall be made and kept one or more sufficient pounds in each city and town of this state, and that it shall and may be lawful for the common councils of the several cities of New-York, Albany and Hudson from time to time to appoint keepers of the pounds of their respective cities, who shall hold their offices during the pleasure of the said common councils respectively, and that the said respective keepers of the said pounds and the respective pound-masters in each town may take, for all beasts that shall be put into the pound of which he is keeper or master, the following fees, to wit: for taking in and discharging every horse, gelding, mare or colt, and all neat cattle twelve and an half cents each, and for every sheep or lamb three cents, and for every hog, shoat or pig six cents, which fees shall be paid to the said keeper or pound-master by the owner of the beasts impounded or some person for him, before the said beasts shall be released from such pound unless the keeper or master of such pound shall otherwise agree concerning the same, and if the owner of any beasts impounded for doing damage shall not pay the damage and the fees of the keeper or master of the pound, with reasonable charges for keeping and feeding them, not exceeding three cents for each beast for every twenty-four hours, such beast shall be impounded and fed, within six days after such beast shall be impounded, or replevy the same beasts, then it shall and may be lawful for such keeper or master of such pound to sell such beast at public vendue, giving at least forty-eight hours previous notice of such sale, by advertisement to be set up at the said pound, and at the nearest public place to the said pound, and out of the monies arising from such sale to pay

the said damages and retain in his hands his fees and charges of feeding and keeping the same beast and of such sale, and return the overplus to the owner of the same beast, and if no such owner shall appear and claim such overplus within six calendar months after such sale, the same shall be paid to the overseers of the poor of the city or town where such beast was impounded for the use of the poor of such city or town.

XXII. *And be it further enacted,* That where any line of any town in this state shall intersect a farm, the possessor of such farm shall pay all his taxes for such farm in the town where his dwelling-house shall be.

XXIII. *And be it further enacted,* That the inhabitants of Hempstead shall have and enjoy the right of oystering, fishing and clamming in the creeks, bays and harbors of North-Hempstead; and the inhabitants of North-Hempstead shall have and enjoy the like rights and privileges in the creeks, bays and harbors of Hempstead.

XXIV. *And be it further enacted,* That it shall and may be lawful for the freeholders and inhabitants of the several towns in this state, at their respective annual town-meetings, to make such provisions and allow such rewards for the destruction of the noxious weed commonly called the Canada thistle, as the major part of the freeholders and inhabitants, so assembled at any such town-meeting, shall deem necessary and proper; and the money so allowed for such rewards shall be raised and levied, together with, and in the same manner as, the other expenses of such town shall be raised.

XXV. *And be it further enacted,* That no town in this state shall be divided, nor any new town erected, without an application to the legislature by the inhabitants of such town so to be divided, or of the several towns out of which such new town is to be erected, or some of them, accompanied with a map of such town or towns, with the lines of such proposed division or new town marked thereon; and that notice of such intended application shall be given at least ten days previous to the town-meeting in each of the towns to be affected thereby, which notice shall be in writing, and affixed on the door of the house where such town-meeting shall be held, and shall be subscribed by at least five persons resident and freeholders in such towns, a copy of which notice shall also be read in such town-meeting to the people there assembled, by the clerk of such town, immediately before proceeding to the election of town officers.

XXVI. *And be it further enacted,* That it shall be lawful for the freeholders and inhabitants of the several towns in the counties of Essex, Franklin, Seneca, Columbia, Albany and Clinton, at their respective annual town-meetings, or at any other town-meeting held for that purpose, to make provision for destroying noxious weeds on the lands of any persons who shall be actually resident in the said towns respectively, at the exclusive expense of such persons.

XXVII. *And be it further enacted,* That the trustees of the towns of Rochester and Marbletown, in the county of Ulster, and of the towns of Huntington and Brookhaven, in the county

Surplus to be paid the owner if no owner appear in 6 months after sale then surplus to be for use of the poor of the town.

Owner of a farm divided by 2 towns to pay taxes in the town where his house is. K&R, v 1, 335 § 19.

Inhabitants of Hempstead and North-Hempstead to have certain privileges of oystering, etc. K&R, v 1, 335. § 20.

Towns may give rewards for destroying the Canada thistle. Sess 35, c 91.

How raised and levied.

No town to be divided nor new town erected unless inhabitants apply, etc. and furnish a map, etc. K&R, v 1, 335 § 21. Notice how and where to be given.

To be subscribed by 5 freeholders and residents at least.

Inhabitants of certain towns may direct the destruction of noxious weeds at the expense of the owners of lands, etc. K&R v 1, 335. § 22.

Trustees of Rochester and Marbletown, &c. when to be elected.

K&R. v 1. 335 of Suffolk, shall respectively be elected on the day of the general election for town officers of the said towns.
§ 23.

Trustees of
the town of
Westchester
when and how
to be elected.
K&R. v 1. 335
§ 24.
Powers of the
trustees.

XXVIII. *And be it further enacted*, That the freeholders and inhabitants of the town of Westchester, in the county of Westchester, may, on the day of their annual town-meeting, and in the usual manner of electing town-officers, choose six freeholders, resident in the town, for trustees, and the said trustees, or a majority of them, shall and may order and dispose of all or any part of the undivided lands within the said town, as fully to every purpose as trustees have been used to do under any patent or charter to the said town, and may continue to lease out the right and privilege of setting and keeping a ferry across the East river from the said town of Westchester to the town of Flushing, in Queens county, in like manner, at the same rates of ferriage, under the same rules and regulations, and for the like purposes, as they have lawfully been accustomed to do since the eighteenth day of April, one thousand seven hundred and eighty-five.

Ferry:

Inhabitants
may vote a
standard brass
yard to be pro-
cured by the
town clerk.
W. v 5. 467.
§ 7.

XXIX. *And be it further enacted*, That it shall and may be lawful for the inhabitants of any town in this state, for their convenience, and by a vote of their annual town-meeting, to direct the clerk of such town to procure and deposit in his office a standard brass yard, to be sealed by the person authorised to seal and compare such yard, and to be considered as the true yard for all the purposes aforesaid.

Where waters
divide coun-
ties or towns
the middle of
the channel to
be the division
line
W. v 5. 104.
Supervisor of
the town on
application of
surveyor-gen-
eral to cause
town to be
surveyed and
map furnished
Sess. 34. c 48.
§ 10.

XXX. *And be it further enacted*, That where any counties or towns in this state are separated from each other by a river or creek, in every such case the middle of the channel of the river or creek shall be and hereby is declared to be the division line between them.

Expense how
paid.

XXXI. *And be it further enacted*, That in every case in which the bounds of a town already erected, or that may hereafter be erected, shall appear to be so described in the act erecting or altering the same, that they cannot be delineated by the surveyor-general on the map of this state without a survey specially made for that purpose, it shall be the duty of the supervisor of such town, on the application of the surveyor-general, to obtain, or cause such survey to be made, and transmit the same to the surveyor-general's office, the costs and charges of which shall be defrayed by such town in the manner in which other contingent charges of towns are defrayed and paid.

Town-meet-
ings to be held
in certain
towns at the
times hereto-
fore directed.

XXXII. *And be it further enacted*, That in such of the towns in the several counties in this state where the town-meetings have, by any laws in force immediately before the passing of this act, been authorised to be held at any other day than the first Tuesday of April in each year, such town-meetings shall so continue to be held, any thing in this act to the contrary notwithstanding.

CHAP. CCIII.

An ACT for the payment of certain Officers of Government and for other purposes.

Passed, April 13, 1813.

[S. sess. 36. 332.]

Suits on constables bonds how to be prosecuted.
S. sess. 36, c. 213, § 25

XXV. *And be it further enacted*, That all suits or actions on any bond executed by any constable and his sureties for the faithful performance of the duty of his office, shall be prosecuted within two years after the expiration of the year for which such constable shall be elected.

CHAP. XLIX.—(R.L.)

An ACT for defraying the public and necessary Charges in the respective Counties of this State, and for other Purposes.

Passed April 2, 1813.

[Br. ed. 6, 11, 30, 41, 62, 66, 93, 110.—S.&L. v. 1. 43, 55, 161, 164, 234, 325.—V. S. v. 1. 42, 44, 54, 137.—Ibid. v. 2. 451, 538, 574.—J.&V. v. 1. 11, 292.—Ibid. v. 2. 340, 345.—K.&R. v. 1. 168, 558.—W. v. 5. 336, 414. Sess. 33. c. 193. § 22.]

I. *Be it enacted by the People of the State of New-York represented in Senate and Assembly*, That the supervisors of the several cities and towns in each of the counties of this state, other than the city and county of New-York, shall annually on the first Tuesday of October, meet together at the court-house in each county if there be but one, and if there be two, at each of them alternately, and if there be no court-house, then at the place where the last court of common pleas shall or ought to have been held, and at such other times and places as they shall find convenient; and examine, settle and allow all accounts chargeable against such county, and ascertain what sum ought to be raised for the payment thereof, and for defraying the public and contingent charges of such county.

Supervisors to meet annually.
K&R. v 1
558. § 1
23 H. 8. c 2
12 Geo. 2. c 29
9 Geo. 3. c 20
11 Geo. 2. c 20
17 Geo. 2. c 23
14 El. c 5. § 57
11 & 12. W. 3
c 19
22 H. 8. c 5
1 Ann. st. 1
c 15
15 R. 2. c 6
4 H. 4. c 12.
Their duties,

II. *And be it further enacted*, That the compensation for the services of the assessors, inspectors of election, and commissioners of highways, shall be considered as town expenses, and it shall be lawful for the supervisors of the several counties in this state to audit the accounts of such town officers, and the said supervisors shall ascertain the amount of each town's proportion of the county costs according to the value of the real and personal estates therein, and as valued by the assessors in each town in the same year, and to such sum add such other sum as shall be found by the said supervisors necessary to defray such town expenses, and such further sum as any such town shall have voted to be raised for the destruction of noxious animals, birds and weeds in the same year, with the sum to be raised in each town for the maintenance of the poor thereof, and shall cause all such sums to be raised and levied together with the taxes to be raised and levied for the use of this state, by adding to the tax of each person liable to pay the same, as the other contingent charges of

What to be considered town expenses
K&R. v 1
558. § 2

How to be apportioned, collected and applied.

the towns and counties are levied and collected, and shall re-
their warrants to the collectors of each respective town, direct
such collector to pay the sum so raised and collected for town
expenses into the hands of the supervisor of the town for the
payment of the said town expenses, who shall for such money
account with the justices of the peace and town clerk on or be-
fore the last Monday of September thereafter in each year, and
out of the first money which shall be collected, such collector
shall pay to the overseers of the poor such money as shall be so
raised for the maintenance of the poor of such town, and the re-
sidue of the money so collected by him, to be paid to the trea-
surer of the county, on or before the first day of February then
next.

If collector be
in fault how
the monies to
be covered.
K&R. v 1
579. § 3

III. *And be it further enacted*, That if any collector in any city,
town or ward shall not pay to the supervisor and overseers of the
poor thereof, the monies directed to be paid to them by such war-
rant, within the time therein mentioned, and produce to the coun-
ty treasurer receipts for the same, from one or more of the said
overseers and supervisor, or satisfactory evidence of such pay-
ment, within one week after the expiration of the time mention-
ed in such warrant, the same shall be deemed to be unpaid, and
it shall be the duty of such treasurer to collect the same, toge-
ther with the other monies, if any, which may be due from such
collector for taxes, and to proceed in the same manner for the re-
covery thereof as is directed in such cases by the act, entitled "an
act for the assessment and collection of taxes," and out of the
first monies received by him on such proceedings, to pay the same
to the said supervisor and overseers.

Supervisors
to appoint a
clerk and trea-
surer.
K&R. v 1. 558
§ 4
W. v 5. 414
and § 16. of
supply bill of
18. 8
What offices
incompatible
with each
other.

IV. *And be it further enacted*, That the supervisors in each
county shall, as often as may be necessary, appoint some proper
person to be their clerk, and also some reputable freeholder of
such county to be the treasurer of such county, which clerk and
treasurer shall respectively hold their offices during the pleasure
of the said supervisors; but it shall not be lawful for any mem-
ber of any board of supervisors or for any clerk of such board to be
appointed to, or to hold and exercise the office of county trea-
surer; and no loan-officer of any county within this state shall,
during his continuance in that office, be eligible to the office of
supervisor; and the said treasurer shall receive all the monies rais-
ed in such county for defraying the public and necessary charges
thereof, and for the use of this state, and shall pay all the monies
received by him for such charges as the said supervisors shall, by
any written order for that purpose direct, and all monies receiv-
ed by him for the use of the state, to the treasurer of this state
within the time required by law, and such treasurer shall keep a
just and true account of the receipts and payments of all monies
which shall come to his hands as treasurer of such county, and
enter the same in a book or books to be kept for that purpose, and
once in every year, at the annual meeting of the said supervi-
sors, or at such other time as they shall direct, shall exhibit to
them all such books and accounts and all vouchers relating to
the same to be allowed and audited.

Duty of trea-
surer.

V. *And be it further enacted*, That the treasurer of every county before he enters upon the execution of his office, shall enter into a bond to the supervisors of such county with sufficient sureties to be approved of by them, and in such sum as they shall direct, conditioned that he shall well and faithfully execute the office of treasurer in such county, and pay all monies which shall come to his hands as treasurer, according to law, and render a just and true account thereof to the said supervisors, or to the comptroller of this state, when thereunto required, which shall be deposited in the clerk's office of the respective counties; and it shall be the duty of the said supervisors in case the condition of such bond shall not be complied with, or if required by the comptroller of this state to prosecute one or more actions of debt on such bond in any court of record against the obligors of such bond, or either of them, or the heirs, executors, or administrators, of all or any of the said obligors; and it shall also be lawful for the said supervisors to commence an action for money had and received, or an action of account, against such treasurer, his executors, or administrators, for all monies received by him as treasurer, other than for the use of this state; all which actions may be maintained in the name of the said supervisors generally, and shall not abate, or be discontinued by the death or expiration of office of any of them; and all monies recovered in any such action shall be applied by the said supervisors to the payment of the contingent charges of such county, or if the same or any part thereof shall have been received by such treasurer for the use of this state, and recovered on such bond at the instance of the comptroller, the same shall be paid by the said supervisors to the treasurer of this state.

Treasurer to give bond with sureties for the execution of his office.
K&R. v. l. 558
§ 5

On forfeiture how to be prosecuted.

Monies recovered how to be applied.

VI. *And be it further enacted*, That upon the death, resignation, or removal from office, of any county treasurer, all the books and papers belonging to his office, upon the oath of the preceding treasurer, or in case of his death, upon the oath of his executors or administrators, shall be delivered to his successor in office; and if any such preceding treasurer, or his executors or administrators, shall refuse or neglect to deliver the same upon oath as aforesaid, being lawfully demanded, every such person shall forfeit and pay for every such refusal or neglect, the sum of one thousand two hundred and fifty dollars, to be recovered with costs of suit, for the use of the same county, in the name of the supervisors of such county, by action of debt, or by information, in any court of record; and in every such action, or information, it shall be sufficient for the plaintiff to set forth, that the defendant, on the day such demand was made, became indebted to the supervisors of such county in the sum of one thousand two hundred and fifty dollars, as a forfeiture for refusing and neglecting to deliver up the books and papers belonging to the office of treasurer of such county, according to the form of this act, to be paid to the supervisors of the same county, when he should be thereunto required, and to give the special matter in evidence.

Treasurer, or if dead, his executors, etc. to deliver books and papers to the successor upon oath.
K&R. v. l. 558. § 6.
Penalty for neglect or refusal.

How sued for and collected.

VII. *And be it further enacted*, That a majority of the supervisors of any county shall constitute a legal and competent

What number of supervisors

constitute a board.

K. & R. v. 1.

558, § 7.

Majority to decide all questions.

Conveyances of lands to supervisors valid.

K. & R. v. 1.

558, § 8.

8 John. Rep. 335. 422.

Compensation to supervisors.

K. & R. v. 1.

558, § 9.

And clerk,

And treasurer.

Penalty on

supervisors for neglect of duty.

K. & R. v. 1.

558, § 10.

W. v. 5. 61.

Sess. 30. ch.

43.—7 John.

Rep. 63.

How recovered

and applied

board to transact all business at any meeting of the said supervisors, and their doors shall be open to all citizens who may wish to attend such meeting; and all questions which shall arise at any such meeting shall be determined by the opinion of the majority of such supervisors attending the same.

VIII. *And be it further enacted*, That all conveyances of any lands made or to be made to the supervisors of any county in this state, for the use of such county, shall be valid, and vest in the supervisors of such county, and their successors in office, the estate and interest intended by such conveyances, and for the use therein expressed.

IX. *And be it further enacted*, That the supervisors of each of the counties of this state shall be allowed as a compensation for their services and expences in attending their meetings in such county, the sum of two dollars per day, and no more; and the clerk of the supervisors in each county shall be allowed for his services such sum as the supervisors of such county shall from time to time direct, which sums shall be raised and levied as part of the contingent charges of such county; and every county treasurer shall be entitled to retain for his services a commission at the rate of one cent for every dollar which he shall receive and pay, to wit: one half of such commission for receiving and the other half for paying.

X. *And be it further enacted*, That if any supervisor shall neglect or refuse to perform any of the duties required of him by this act, or which he shall hereafter be directed or required by law to perform, he shall for every such offence forfeit to the people of this state the sum of two hundred and fifty dollars, to be recovered with costs in any court of record, by action of debt, or by information; and in every such action, or information, it shall be sufficient to set forth, that the defendant at a certain time and place became indebted to the people of this state in the sum of two hundred and fifty dollars, as a forfeiture incurred for refusing and neglecting to perform the duties required of him by this act, to be paid to the said people when he should be thereto required, and to give the special matter in evidence; and in case of any such forfeiture, it shall be the duty of the attorney-general, when required by the comptroller, to cause the same to be prosecuted, and when recovered, the same shall be paid into the treasury of this state.

XI. *And be it further enacted*, That it shall be the duty of the supervisors of every county in this state, as often as shall be necessary, to cause the court-house and gaol of their county to be duly repaired, and for that purpose they are hereby authorised and required from time to time, to direct to be raised and levied on the freeholders and inhabitants of their county, sufficient sums of money for such repairs, not exceeding the sum of five hundred dollars in any one year; and shall also cause to be erected or prepared, within the gaols of their respective counties, or otherwise, so many solitary cells as the court of common pleas of such county may direct, which shall be appropriated to the reception of convicts who may be sentenced to punishment therein; and all sums necessary for any of the above purposes, shall be raised,

Supervisors to cause court-houses and gaols to be re-

paired.

K. & R. v. 1.

558 § 11.

To cause solitary cells to be made if required by the courts of common pleas.

W. v. 5. 336.

Sess. 31. ch.

558, § 12, 20.

levied and collected, by the said supervisors as the contingent charges of the said counties are directed to be raised, levied and collected.

Expense thereof how raised.

XII. *And be it further enacted*, That it shall and may be lawful for the supervisors of each and every of the counties within this state, or a major part of them, at their annual meetings, to declare whether any, and what reward shall be given by their respective counties for the killing of any wolf or wolves, panther or panthers therein, and the said reward shall be a county charge, and assessed, raised and levied, together with the other necessary and contingent charges of the county, and shall be paid in such manner and under such restrictions as the board of supervisors allowing the reward, shall direct: *Provided*, That no reward so to be allowed by any of the said board of supervisors, for the killing of any wolf or panther, shall exceed the sum of twenty-five dollars.

Supervisors may grant rewards for killing wolves and panthers. K. & R. v. 1. 168. § 1. Sess. 33, ch. 193. § 22.

To be a county charge and as such collected.

Proviso.

Amount for each wolf or panther limited.

XIII. *And be it further enacted*, That the annual meeting of the board of supervisors of the county of Chenango, shall in future be held on the last Monday in October in every year, any thing contained in this act to the contrary notwithstanding.

Annual meeting of supervisors in Chenango county when held.

CHAP. LXV.—(R.L.)

An ACT concerning the Courts of Common Pleas and General Sessions of the Peace in the several Counties of this State.

Passed April 5, 1813.

[Br. ed. 94.—V.S. v. 1. 78, 255, 642, 680.—J. & V. v. 1. 10, 28.—Ibid. v. 2. 17, 18, 136, 278, 438.—Gr. v. 1. 11, 18, 19, 306, 341, 431.—Ibid. v. 2. 112, 261, 262.—Ibid. v. 3. 259, 260.—K. & R. v. 1. 395.—W. v. 4. 616.—Ibid. v. 5. 102, 346, &c. &c.]

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the judges and assistant justices of each of the counties of this state, the city and county of New-York excepted, or any three of them, of whom one of the judges of the court of common pleas shall always be one, shall have power to hold courts of common pleas in their respective counties.

Courts of common pleas before whom held.

K. & R. v. 1. 395 § 6.

Constitution of the state, Art. 24, 25.

9 H. 3. c. 11, 35—2 Ed. 3, c.

11—2 & 3 Ed. 6, c. 25.—28

Ed. 1. st. 3. c. 4

II. *And be it further enacted*, That the seals of the said courts of common pleas already devised and made, shall continue to be the seals of the said courts respectively.

III. *And be it further enacted*, That the courts of common pleas of the several counties of this state shall be and hereby are authorised and empowered to hear, try and determine, according to law, all actions, real, personal, and mixed, arising within the

Powers of the courts of common pleas.

K. & R. v. 1. 395 § 8

[* In 1674, a court of law and equity called *The Court of Assizes*, town courts, and courts of sessions were held by order of the Governor. Nov. 1, 1683, the first act of the legislature of the Colony regulating *Courts of Justice*. In 1684, court of assize abolished, and May 15, 1699, an ordinance of the Governor and Council established *Courts of Common Pleas*—Smith's history of New-York, 31, 75, 245—vide also Br. ed. in Appendix, where the ordinance is given at large—vide also, Br. ed. 17, 24, 56, 94.]

[*Mandamus* lies to restore an attorney improperly removed by com. pleas. 1 John. 181. May set aside a regular judgment by default to let in the merits—4 John. Rep. 136] 2 do n. R. p. 371—4 lb. 136 Times & places in each co. for holding courts of com. pleas and gen. sessions. Albany—sess. 55 c. 239 § 24 Suffolk Sess. 34. c. 26 § 1

said counties respectively, and also all transitory actions, although the same may not have arisen within the said counties respectively, and the said several courts are hereby empowered to grant new trials in all cases where they shall find it necessary or proper: *Provided*, That no new trial shall be granted otherwise than for irregularity, unless one of the judges present and concurring, shall be of the degree of counsellor at law in the supreme court of this state.

IV. *And be it further enacted*, That the courts of common pleas and general sessions of the peace in the several counties of this state, shall be held in every year at the times and places following, to wit: In the county of Albany at the capitol in the city of Albany, on the third Tuesdays of February, June and October.

In the county of Suffolk, the court of common pleas shall be held at the court-house in the same county, on the last Tuesday in May, and the first Tuesdays in October and January, but no issue of fact shall be tried by a jury in any of the said January terms, and the court of general sessions of the peace in and for the said county, on the last Tuesday in May, and first Tuesday in October.

Queens

In the county of Queens, at the court-house in the said county, on the first Tuesday of June, and the second Tuesday of November.

Kings

In the county of Kings, at the court-house in said county, on the third Tuesdays of April and October.

Richmond

Sess. 29. c. 39

In the county of Richmond, at the court-house in the said county, on the second Tuesdays in April, September and December; but no issue of fact shall be tried by a jury in any of the said terms of December, and the court of general sessions of the peace in and for the said county on the second Tuesdays of April and September.

Westchester.

In the county of Westchester, as follows; that is to say, the said courts of common pleas shall be held on the fourth Mondays of May and September, and the third Monday of December in every year, and shall be held alternately at the court-house at Bedford, and at the court-house at the White-Plains, but no issue of fact shall be tried by a jury in any of the said terms of December; and that the courts of general sessions of the peace in and for the said county of Westchester, shall be held on the fourth Mondays of May and September in every year, at the place where the court of common pleas shall be then held.

Putnam

Sess. 35. c. 143

In the county of Putnam, the court of common pleas on the first Tuesdays of February and June, and the third Tuesday of October; and the court of general sessions of the peace on the said first Tuesday of February and third Tuesday of October, at the Baptist meeting-house in the town of Carmel.

Rockland.

In the county of Rockland, the court of common pleas shall be held at the court-house of said county, on the first Tuesday of February, third Tuesday in April, and first Tuesday in November; and the court of general sessions of the peace in and for the said county, on the third Tuesday in April and first Tuesday in November.

In the county of Orange, alternately at the court-house in Go-Orange
 shen, and the academy in the village of Newburgh, in said coun-
 ty, the court of common pleas on the third Monday of February, Sess. 35. c. 239
 § 54
 the last Monday of May, and the first Mondays of September and
 December; and the general sessions of the peace on the last
 Monday of May and the first Mondays of September and Decem-
 ber.

In the county of Ulster, at the court-house in said county, the Ulster.
 court of common pleas on the first Tuesdays of January, May
 and July, and the third Tuesday of September; and the court of
 general sessions of the peace, on the first Tuesday of May and
 third Tuesday of September.

In the county of Dutchess, at the court-house in said county, Dutchess
 Sess. 35. c. 163
 the courts of common pleas and general sessions of the peace, on
 the third Monday in January, the second Mondays of October
 and April, and the last Monday in June.

In the county of Columbia, at the court-house in said county, Columbia
 Sess. 35. c. 95
 on the last Mondays in December and May, and the second Mon-
 day in September.

In the county of Rensselaer, at the court-house in said county, Rensselaer
 the court of common pleas on the last Mondays in February and
 May, and last Tuesday in September; and the general sessions of
 the peace on the last Monday in February and last Monday in
 September.

In the county of Washington, the courts of common pleas and Washington
 general sessions of the peace on the first Tuesday in March, the
 last Tuesdays in May and August, and the third Tuesday in De-
 cember, alternately, at the court-house in the town of Salem, and
 at the court-house in the town of Kingsbury, and may continue to
 be held from the commencement thereof until the several Satur-
 days in the next week thereafter, inclusive.

In the county of Essex, at the court-house in said county, the Essex.
 court of common pleas on the second Tuesday in January,
 first Tuesday in May, and last Tuesday in September, and the
 general sessions of the peace on the first Tuesday in May, and
 last Tuesday in September.

In the county of Clinton, at the court-house in said county, Clinton,
 the court of common pleas on the third Tuesday in January, se-
 cond Tuesday in May, and first Tuesday in October, and the
 court of general sessions of the peace on the second Tuesday in
 May, and first Tuesday in October.

In the county of Greene, at the court-house in said county, the Greene.
 court of common pleas on the first Monday in January, last Mon-
 day in May, and first Monday in September, and the court of
 general sessions of the peace, on the first Mondays in January
 and September.

In the county of Saratoga, the court of common pleas at the Saratoga.
 court-house in said county, on the first Tuesdays of November
 and February, second Tuesday of April, and fourth Tuesday of
 August, and the general sessions of the peace, the first Tuesdays
 of November and February, and fourth Tuesday of August.

In the county of Montgomery, at the court-house in said coun- Montgom ery.
 ty, the court of common pleas on the third Tuesday in January,

second Tuesdays in June and October, and the court of general sessions of the peace, on the third Tuesday in January and second Tuesday in June.

Schoharie.
Sess. 35. c. 67. In the county of Schoharie, at the court-house in said county, the court of common pleas on the first Tuesdays in February, June and October, and the court of general sessions of the peace on the said first Tuesdays in February and June.

Schenectady.
Extra sess.
1812, c. 7. § 2. In the county of Schenectady, at the city-hall in the city of Schenectady on the last Tuesday in December and the second Tuesdays in May and September.

Herkimer. In the county of Herkimer, at the court-house in said county, the court of common pleas and general sessions of the peace on the first Tuesdays in January, May and October.

Franklin.
Sess. 35. c. 239
§ 24. In the county of Franklin, at the academy in the town of Malone in said county, the court of common pleas on the second Tuesdays in June and October, and the last Tuesday in January, and the general sessions of the peace on the said second Tuesdays in June and October.

St. Lawrence.
Extra sess. of
1812, c. 3. § 2. In the county of St. Lawrence, at the court-house in said county, the court of common pleas on the second Tuesday in January, first Tuesday in June and second Tuesday in October, and the court of general sessions of the peace on the said second Tuesday in January.

Lewis.
Sess. 32, c. 135 In the county of Lewis, at the court house in said county, on the first Tuesday in May, third Tuesday in September, and the first Tuesday in January.

Jefferson.
Sess. 32. c. 110 In the county of Jefferson, at the court-house in said county, on the second Tuesday in March, first Tuesday in July, and last Tuesday in October.

Delaware. In the county of Delaware, after the first Tuesday in June next, at the court-house in the town of Delhi in said county, the court of common pleas on the last Mondays in February, May, August and November, and the court of general sessions of the peace on the last Mondays of February and November.

Sullivan.
Sess. 33. c. 80. In the county of Sullivan, the court of common pleas on the second Tuesdays in February and June, and second Tuesday in October, and the court of general sessions of the peace the second Tuesday in June and second Tuesday in October.

Otsego.
Extra sess.
1812, c. 7. § 1 In the county of Otsego, at the court-house in said county, the court of common pleas on the second Tuesday in February, fourth Tuesday in June, and third Tuesday in October, and the general sessions of the peace on the said second Tuesday of February and fourth Tuesday of June.

Oneida. In the county of Oneida, at the court-house in the town of Rome, on the third Tuesday in May and second Tuesday in December, and at the court-house in Whitestown, on the second Monday in March, and first Tuesday in September.

Madison.
Sess. 35. c. 203
§ 2. In the county of Madison, at the court-house in said county, on the first Tuesday of February, the third Tuesday of June, and the first Tuesday in October.

Chenango.
Sess. 35. c. 203
§ 2. In the county of Chenango, at the court-house in said county, on the second Tuesday in February, June and October.

In the county of Broome, at the court-house in the town of Broome.
Chenango, on the second Tuesdays of May and September, and Sess. 30, c. 179
on the last Tuesday in December. § 4.

In the county of Cortland, at the court-house in the said county, Cortland
on the second Tuesdays in May and September, and last Tues-
day in December.

In the county of Onondaga, at the court-house in said county, Onondaga.
on the last Tuesday of January, and fourth Tuesdays in May and Sess. 35, c. 203.
September.

In the county of Cayuga, at the court-house in said county, on Cayuga.
the third Tuesdays of January, May and September.

In the county of Seneca, at the court-house in said county, on Seneca.
the second Tuesday in May, and on the first Tuesdays in Octo- Sess. 30, c. 142
ber and February. § 1.

In the county of Tioga, alternately at the court-house in the Tioga.
town of Elmira, and at the court-house in the town of Spencer, Sess. 35, c. 414
on the first Tuesdays in January, May and September. sec. 4.

In the county of Steuben, at the court-house in said county, Steuben.
on the second Tuesday of January, and the third Tuesdays of
June and October.

In the county of Ontario, at the court-house in said county, on Ontario.
the third Tuesday of February, and the first Tuesdays of June
and November.

In the county of Genesee, at the court-house in said county, on Genesee.
the first Tuesday in February, and on the second Tuesdays of Sess. 27, c. 112
June and November. § 3.

In the county of Niagara, at the court-house in said county, Niagara.
the court of common pleas and general sessions of the peace on
the second Tuesday in February, and the third Tuesdays in June
and November.

In the county of Allegany, at the court-house in said county, Allegany.
on the second Tuesdays of June and November.

In the county of Chataugue at Mayville, in the town of Cha- Chataugue.
taugue, at the house of John Scott; the court of common pleas
on the third Tuesday in February, and the fourth Tuesdays in
June and November, and the general sessions of the peace on
the said fourth Tuesdays in June and November.

And the county of Cattaraugus shall, for all the purposes of Cattaraugus
this act, be taken and considered as part of the county of Niaga- to be consid-
ra, until the said county shall contain five hundred taxable inha- ed a part of
bitants, qualified to vote for members of assembly, which shall be Niagara until
it shall con-
tains 500 taxa-
ble inhabi-
tants.
ascertained in the following manner, to wit: the supervisors of Sess. 31, c. 60.
the said counties of Niagara and Cattaraugus, at their annual § 3.
meetings, shall ascertain from the assessment rolls of the towns IV. v 5, 266.
in the said county of Cattaraugus, the number of inhabitants Sess. 35, c. 173.
therein, qualified to vote as aforesaid, and when they shall § 5.
amount to five hundred, the said supervisors shall certify the same The mode of
ascertaining
that fact.
under their hands and seals, to the person administering the go-
vernment of the state for the time being, and the said county of Sess. 35, c. 173.
Cattaraugus shall then be organized as a separate county; and § 6, 7, 9.
until the said county shall be organized as aforesaid, the inhabi- Certain ex-
tants thereof who are enrolled in the militia, shall be and hereby ceptions un-
til that time.

and from serving as jurors and constables in courts of record, but shall continue to serve as jurors and constables in any court of special sessions of the peace, and in any court held by any justice of the peace for the trial of causes, agreeable to law; and all monies which shall hereafter be raised by county tax in the said county of Cattaraugus, before it shall be organized as aforesaid, shall be for the sole use of the said county, after deducting therefrom all expenses arising from its annexation to the county of Niagara; and after the civil officers for the said county shall have been appointed and commissioned, the court of common pleas in and for the said county of Cattaraugus shall be held on the third Tuesday of February, and the fourth Tuesdays in June and November, and the courts of general sessions of the peace on the said fourth Tuesdays of June and November, to be held at the court-house in said county, if any shall have been erected, and if not, then at such place in the said county as the supervisors of said county, or a majority of them, shall appoint, in writing under their hands, which appointment shall be filed with the clerk of the said county, at least thirty days before the time of holding the said courts respectively, who shall immediately thereafter cause three copies thereof to be made, and put up in three of the most public places in the said county.

After organization of county, courts to be held.
Sess. 31. c 60.
§ 2.
Ibid. sec. 12.
Terms and places of holding.

If court-house be destroyed by fire, etc. courts where to be held.
W. v. 5. 102.
Sess. 30. c 80.
§ 5.

V. *And be it further enacted*, That if the court-house or place of holding courts in any county of this state, other than the city and county of New-York, hath been or shall be destroyed by fire or other means, or shall, from any cause or calamity, be unsafe, inconvenient or unfit to hold court in, it shall and may be lawful for the judges of the court of common pleas of such county, or a majority of them, to fix upon some other convenient place, in the vicinity of the place where the court is fixed by law, as a temporary place for holding such court, and the same shall be deemed the court-house of such county or city to all intents and purposes for the time being; and all business which shall be transacted at such place shall be as valid as if the same were done at the usual and customary place.

Duration of terms in Albany and Rensselaer.
K&R. v 1, 393
§ 10.

And in the other counties

Except in Washington.
Proviso.

Further proviso.

VI. *And be it further enacted*, That the said courts in the said counties of Albany and Rensselaer may continue to be held from the time of their commencement, on the several days aforesaid, Sundays excepted, until the several Tuesdays in the next week thereafter inclusive, and that the said courts in the said several other counties may, in like manner, continue to be held from the time of their commencement on the several days aforesaid, until the several Saturdays next following inclusive, except as to the county of Washington: *Provided however*, That it shall be lawful for the judges and justices of any of the said courts, to adjourn the same on any day previous to the expiration of the term for which the same may be held as aforesaid, if in their opinion the business of such courts will admit thereof: *And provided also*, That the petit jurors attending the said courts in the said county of Rensselaer, shall in no case be required to attend the same any longer than Saturday of the week in which the said courts shall commence.

VII. *And be it further enacted*, That if at any time hereafter a sufficient number of the persons authorised to hold any of the said courts of common pleas or general sessions of the peace, shall not attend for that purpose before five of the clock in the afternoon of the day on which such court is to be held, it shall be lawful for such one or more of them as shall attend, to adjourn the same court to the next day, and if a sufficient number to hold such court do not attend before five of the clock in the afternoon of such next day, then it shall be lawful for such member or members of the same court as shall attend, to adjourn the same court to the next term or session thereof, or for the longest time that such court can by law be adjourned.

If a sufficient number of members of the court do not attend, how and by whom to be adjourned.
K&R. v 1. 393 § 11.

VIII. *And be it further enacted*, That all writs or process which shall issue out of any of the said courts, may be tested on any day of the term or session on which such court shall sit, and be made returnable on any other day of such term or session to which such court shall continue to sit, or at the next term or session.

Teste and return of writs.
K&R. v 1. 393 § 12.
51 H. 3. st. 2, 3
52 H. 3. c 12.
16 Car. 1. c 3.
§ 3.
24 Geo. 2. c 41

IX. *And be it further enacted*, That the adjournment of any of the said courts, before the expiration of their respective terms or sessions, shall not affect the teste, return or service of any writs issued prior to such adjournment.

Adjournment not to affect teste, etc. of writs issued before.
K&R. v 1. 393 § 13.

X. *And be it further enacted*, That in every suit or prosecution now, or which may hereafter be depending in any of the said courts of common pleas or general sessions of the peace, such court shall be and hereby is authorised and empowered to issue process of subpœna, requiring the attendance of any witness who may reside in any part of this state, to testify on the trial of the said cause, or on the execution of any writ or writs of inquiry to be executed therein, although such witness shall not be within the jurisdiction of the said court when served with the said subpœna: *And further*, That every witness who may be duly served with such subpœna, shall be and hereby is required to attend at the time and place therein mentioned, under the like penalties, and shall be liable to the same action, which he would have incurred or have been liable to for such refusal or neglect, if such witness had been within the jurisdiction of the said court at the time of the service of such subpœna: *Provided always*, That no seal shall be necessary to the validity of any subpœna issued from any court of general sessions of the peace, for witnesses in support of any prosecution, but such subpœna shall be issued and subscribed by the person prosecuting on behalf of the people of the state in any such court: *And provided further*, That it shall be the duty of the clerk of each county to issue subpœnas, under the seal of the courts of common pleas, from the courts of general sessions of the peace of the county, on the application of any person against whom a criminal prosecution is pending in any such court, to compel the attendance of witnesses who reside in or out of the county, and for which several services the clerks shall be entitled to the same fees as are allowed for the like process in the courts of common pleas.

Subpœnas may issue to any part of the state.
K&R. v 1. 393 § 14.

Witnesses not attending on subpœna liable to a suit.
5 El. c 9. § 12.

Proviso—no seal necessary to a subpœna issued by the sessions in support of a prosecution.

Further proviso—but seal may be used to subpœnas issued in defence.

Fees to clerk for same.

XI. *And be it further enacted*, That in all records of judgments hereafter to be made up and entered in any of the said

Form of judgment records

in common
pleas.
K&R. v 1. 393
§ 16

Impar-
lance.

Capi-
tance.

Caption of
records.

Diminution
may be alleg-
ed on error
brought.
K&R. v 1. 393
§ 17

Affidavits be
fore whom
may be taken.
44th sec. of
"an act for the
payment of
certain offi-
cers of govern-
ment, and for
other purpo-
ses"—Passed
April 9, 1811.
16&17. Car
2. c 9

First judge of
county with
consent of pub-
lic prosecutor
may let pri-
soners to bail

courts in any cause now depending or hereafter to be brought therein, it shall be sufficient immediately after the caption thereof to enter the declaration, without setting forth or entering upon the same record the plaint or process against the defendant, and then if judgment is not entered, or the defendant shall not plead at the same term of which the declaration is filed, an imparlance shall be entered to the term when judgment is entered or the plea of the defendant shall come in without entering the continuance from term to term, and when an issue shall be joined to be tried by a jury if the same is not tried at the next term after the joining thereof, instead of entering all the continuances from term to term until the trial, it shall be sufficient to enter the continuance upon the record in the following form:—" And hereupon the process thereof is continued between the parties aforesaid of the plea aforesaid in this same court, before the judges of the same court or before the judges and assistant justices of the same court, (as the case may be) until the term when the same issue shall be tried, or some necessary rule or order made concerning such cause or the trial thereof, if any such shall be made": *And further*, That the caption of all records of judgments in the said several courts of common pleas in the several counties of this state, shall be in the following form:—" Pleas in the court of common pleas held at, (such place as the same court shall be actually held) in and for the county of Westchester, (or other county as the case may be) before the judges and assistant justices of the same court, on" (such day as the process against the defendant in such case shall be returnable, and be returned served) and that it shall not be necessary in any such records in any of the said courts of common pleas in the several counties to insert the names of the judges and assistant justices or any of them, either in the caption of the same records, or in any continuance or other part thereof, nor shall it be necessary to set forth the authority by which any such court is held.

XII. *And be it further enacted*, That upon writ of error brought upon any such judgment, it shall be lawful to allege any diminution or defect, or variance, or the want of any process or proceedings in the same manner and the like proceedings shall be thereupon had as may or ought to be done in cases of error upon judgments in the supreme court.

XIII. *And be it further enacted*, That the justices of the supreme court, the several and respective first judges and judges of the several courts of common pleas, and clerks of the several counties of this state shall be and are hereby authorised and empowered to take and certify affidavits to be read in all the said courts of common pleas and general sessions of the peace respectively, and that the said affidavits shall have the same credit and effect as if the same were taken before a judge of the court in which the same shall be required to be used, and no further or other effect.

XIV. *And be it further enacted*, That the first judge of any court of common pleas of any county in this state, shall, on application, and by and with the advice and consent of the attorney-general or district attorney of the district including such county,

be authorised to let to bail any prisoner confined in any such county for any crime or offence in like manner as has been heretofore exercised by a justice of the supreme court, and for that purpose shall be and is hereby authorised to allow the writ of habeas corpus to bring before him any such prisoner on such application.*

on habeas corpus.
Sess 31. c 163
§ 9.
W. v 5. 346

XV. *And be it further enacted*, That it shall and may be lawful for any of the assistant justices of the respective courts of common pleas to take the acknowledgment of bail pieces in any cause depending in any court of common pleas in any county wherein such assistant justice may reside.

Assistant justices may take acknowledgment of bail.
Sess 34. c 195
§ 1

XVI. *And be it further enacted*, That it shall be lawful for the first judge of any court of common pleas to make any order in vacation, touching any suit or proceeding in such court, in like manner, and with like effect as is now practised by the justices of the supreme court at chambers in any suit or proceeding in the said supreme court; and the same power and authority is hereby given to any other judge of such court, being of the degree of counsellor at law of the supreme court.

First judge may make orders in vacation like a supreme court judge, and also any of the other judges being of the degree of counsellor at law.

XVII. *And be it further enacted*, That it shall be the duty of the respective clerks of the several counties within this state, to keep some proper person deputy clerk of the same county, during the pleasure of said clerk, and as often as such deputy clerk shall die or be removed from office, or remove out of the county, or become incapable of executing the office, another shall be appointed in his place, by writing under the hand and seal of the clerk, and every such deputation or appointment shall be recorded in the office of the clerk of the same county, who shall in case of the death of the clerk thereof, perform all the duties and receive the emoluments appertaining to the office of clerk of the same county, and be subject to the same penalties that the clerks of the several counties within this state are liable to, until a new clerk for the said county shall be appointed and duly sworn.

Deputy clerks to be appointed.
Sess 24. c 90
§ 19

Powers of such deputy.

XVIII. *And be it further enacted*, That no recognizance for the appearance of any person to answer for any crime or misdemeanor or to testify concerning the same shall be valid unless signed by the party so recognized, to appear or testify, and such party shall be entitled to receive from the magistrate taking such recognizance a note or memorandum of the condition of such recognizance, when the same shall be required by such party.

Recognizances to answer or to testify, to be in writing, and signed by the party recognized.
Sess. 34. c 202
§ 15
3 H. 7. c 1

[* This section also contained in the act "to prevent unjust imprisonment by securing the benefit of the writ of habeas corpus," passed April 5, 1813.]

[Cases as to the Court of Sessions—1 Caines's Rep. 37, 149—2 Caines's ca. in Error 319—1 John. ca. 179—2 Ibid. 275—3 John. Rep. 23—4 Ibid. 292. 296.]

*An ACT declaring the Powers of the Courts of General Sessions of the Peace.**

Passed February 25, 1813.

[V. S. v. 1. 241.—Ib. v. 2. 615.—Gr. v. 1. 306, 299, 300.—Ib. v. 2. 315.—K.&R. v. 1. 302, 393.—W. v. 5. 502.]

General sessions of the peace to be held in each county.
K.&R. v. 1. 393. § 6
36 Ed.3.c.12.
12 R.2.c.10.
74 R.2.c.11.
2 H.5.st.1.c.4.
34 H. 6. c. 4.
Powers of the sessions.

K.&R. v. 1. 302. § 1.
34 Ed.3.c.1.
4 H.7.c.12.
1 Ed.4.c.12.
1 R.3.c.3.
78 Ed.3.st.2.c.
2—1 Ed.3.st.2.c.16.
4 Ed.3.c.2.
34 Ed.3.c.1.
25 Ed.3.st.5.c.
3—11 H.4.c.9.
4 H.4.c.2.

3 John.Rep.23
Bill of excep-
tions don't lie
to the sessions

Indictments
not tried at
sessions to be
sent to the
oyer and ter-
miner, and so
converso.
4 Ed.3.c.2.
7 Ed.6.c.7.
K.&R. v. 1.
72 § 16
W v.5.502. §7.
Sess.32.ch.138

Grand and
petit juries to
be summoned.

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly,* That the justices of the peace of each of the counties of this state, the city and county of New-York excepted, or any three or more of them, of whom a judge of the court of common pleas shall always be one, shall have power to hold the courts of general sessions of the peace in the said counties respectively.

II. *And be it further enacted,* That it shall be lawful for the courts of general sessions of the peace in the several counties of this state to inquire by the oaths of good and lawful men of the same counties respectively, by whom the truth may be the better known, of any treason, misprision of treason, murder, or felony, and of all other crimes and misdemeanors whatsoever done or committed in the city or county for which such court shall be held; and all crimes or misdemeanors not punishable with death, or imprisonment in the state-prison for life, to hear, determine and punish, according to law; and all indictments of or for any treason, misprision of treason, murder or other felony, or crime, which is, or shall be punishable with death, or with imprisonment in the state-prison for life, they shall cause to be delivered to the next supreme court, or court of oyer and terminer or gaol delivery, to be held in such city or county, there to be determined according to law.†

III. *And be it further enacted,* That the courts of general sessions of the peace shall send all other indictments against prisoners in gaol, which shall not have been heard, or determined, to the next court of oyer and terminer and gaol delivery, to be held in their respective cities and counties; and whenever the indictments sent by any court of general sessions of the peace to any court of oyer and terminer and gaol delivery, shall not be tried therein, but shall be remitted back to the court from which they came, it shall be lawful for the said court to proceed thereon: *Provided,* The court of general sessions of the peace has jurisdiction of the case.

IV. *And be it further enacted,* That the sheriffs of the respective counties of this state, at certain days and places, which

[* Courts of sessions first established by law, Nov. 1, 1683, and by subsequent laws regulated, &c. afterwards, by ordinance from the governor and council, May 15, 1699. *Vide* Smith's history of New-York, 75, also, Br. ed. in appendix for ordinance at large.]

[† Sessions cannot grant a new trial on the merits. 1 John. ca. 179 Sessions may discharge a jury without consent of the prisoner, who may be tried *de novo*.—2 John. ca. 275. 3 John. ca. 265, as to an indictment, &c. 1 Caines' Rep. 37 Jurisdiction of second offence, challenge, &c. 1 Caines' Rep. 149. Removal of indictment, &c.]

the justices of the peace for every such county, or any two or more of them, together with one of the judges of the court of common pleas in and for such county, shall make known to them, shall cause to come before the said courts of general sessions of the peace, twenty-four good and lawful men of the same counties respectively, to inquire for the people of this state, and the bodies of the same counties; and likewise so many good and lawful men of the same counties respectively, duly qualified to serve as jurors in the same counties as the said justices shall direct, by whom the truth of the matter may be the better known and inquired into, of all crimes and misdemeanors, to be tried at the said courts.

V. *And be it further enacted*, That upon appeals to the said courts of general sessions of the peace against any judgment or order of any justice of the peace, the said courts shall cause all defects of form to be found in such judgment or order, to be amended without any costs to the parties concerned; and after such amendment made, shall proceed to hear the merits of such judgment or order, upon due proof by witnesses or otherwise, and to determine upon the same as if no such defect of form had existed.

VI. *And be it further enacted*, That no process or pleas whatever before any of the said courts of general sessions of the peace shall be discontinued by any new commission of the peace, but the same shall stand in full force; and the justices in such new commissions, shall have authority in the said courts to continue, hear and determine the same process and pleas, and all that shall depend upon them, as the other justices might have done if no new commission had been made.

VII. *And be it further enacted*, That the said courts of general sessions of the peace, may, in their discretion, let to bail prisoners arrested and in gaol in their respective cities and counties, for suspicion of felony, to appear at the next court having cognizance of the offence, and where the same ought to be tried.

K. & R. v. 1,
303 § 3
25 Ed. 3. st.
5. c. 3
13 Ed. 1. c. 38
11 H. 4. c. 9
11 H. 7. c. 24
3 H. 8. c. 12

On appeals
the sessions to
amend defects
in form.
K. & R. v. 1
303 § 4
3 John. Rep.
23
5 Geo. 2. c. 19

Process and
pleas not dis-
continued by
a new com-
mission of the
peace
K. & R. v. 1
303 § 3
2 & 3 Ph. & M.
c. 18

Sessions may
bail prisoners
for suspicion
of felony.
K. & R. v. 1304
§ 7 in part.
1 R. 3. c. 2

CHAP. LXXXVII.—(R.L.)

An ACT relative to the Clerk's Office in certain Counties, and the removal of Public Records.

Passed April 9, 1813.

[W. v. 4. 458.—Ibid. v. 5. 312, 342.—Sess. 34. c. 27.—Ibid. 35. c. 114.]

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the clerk of the county of Washington and he is hereby directed and required to keep his office together with all books, records, papers and all other things belonging to the said office, at some convenient place not more than one half mile from the dwelling-house now or late of Joseph Rouse, in the town of Argyle, in said county.

Clerk's office
in Washing-
ton co. where
to be kept.
W. v. 5. 342
Sess 31. c. 195
§ 1

And in Columbia county where to be kept.
W. v 5. 342
Sess. 31. c 160
§ 2.

II. *And be it further enacted*, That it shall be the duty of the clerk of the county of Columbia, and he is hereby required and directed to keep the clerk's office of the said county, together with all books, papers, records, and all things belonging to the said office, at some convenient place within the compact part of the city of Hudson.

And in Lewis and Essex counties where to be kept.

Sess. 34. c. 27

§ 6

Sess. 35. c 114

§ 8

Clerk of Suffolk county

may keep two

offices.

Sess. 34. c 26

§ 3

III. *And be it further enacted*, That the clerk's office of the county of Lewis shall be kept within one mile of the court-house and gaol of the said county, and that the clerk of the county of Essex shall keep his office within one mile of the court-house in said county.

IV. *And be it further enacted*, That it shall and may be lawful for the clerk of the county of Suffolk, at his discretion to establish his office in any two convenient places therein, and for this purpose may by writing under his hand and seal, appoint any competent person assistant clerk of the said county during the pleasure of the said clerk or so long as he shall continue the said office separate, to take charge of one of the said offices and to do the duties thereof, which said appointment shall be recorded in the office of the clerk of the said county.

One of them to be under the care of an assistant.

Governor and common council of N. York, may in certain cases direct the removal of records, of the banks, etc. to a place of safety.

W. v 5. 312

Sess. 31. c 131

§ 3

V. *And be it further enacted*, That it shall be in the power of the person administering the government of this state, or in his absence from the city of New-York, of the common council thereof, to authorise and direct the removal of the public records of the said city to some safe place, and also in case of danger from the enemy to authorise and direct the temporary removal of the banks, insurance companies, and other monied institutions from the said city, without prejudice to their chartered rights in any respect whatever; and the directors of the said banks, insurance companies and other monied institutions, during such temporary removal are hereby authorised to execute the powers and to carry on the business committed to them by law.

Clerk of Washington county may draw double the number of jurors at two of its terms of common pleas.

W. v 4. 458

Sess. 29. c 105

§ 2

Jurors how to

serve.

VI. *And be it further enacted*, That it shall be the duty of the clerk of the county of Washington, previous to the terms of March and December in each year, to draw in the manner directed by the act, entitled "an act for regulating trials of issues, and for returning able and sufficient jurors," passed the twenty-fifth day of February, one thousand eight hundred and thirteen, double the number of petit jurors that are directed by law to be drawn, to attend the courts of common pleas; and it shall be the duty of the sheriff of the said county to summons one half of the jurors so drawn to attend and serve the first week of the said terms, and the other half shall be summoned to attend and serve the second week of the said terms.

CHAP. XCH.—(R.L.)

An ACT relative to the different Tribes and Nations of Indians within this State.

Passed 10th April, 1813.

[Br. ed. 86, 108. S.&L. 69. V. S. 69.—J.&V. v. 1, 13.—Ib. v. 2, 282, 366, 404, 446.—Gr. v. 1. 13, 14.—Ib. v. 2. 194, 270, 312, 346, 347, 395, 475, 478, 483.—Ib. v. 3. 73, 157, 182, 207, 236, 255, 277, 310, 340, 416, 464.—K.&R. v. 1. 464.—W. v. 3. 368, 169, 171, 62, 478, 65, 604.—W. v. 4. 601, 602, 61.—W. v. 5. 132, 134, 88, 89, 410, 3 2, 224, 485.—W. v. 6. 59, 244, 593.—Sess. 32. c. 63.—Sess. 33. c. 154, 25.—Sess. 34. c. 37, 79, 243, 28.—Sess. 35. c. 259.]

1. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly,* That if any person, without the authority and consent of the legislature of this state, shall, in any manner or form, or upon any terms whatsoever, purchase any lands within this state, of any Indian residing therein, or make any contract with any Indian for or concerning the sale of any lands within this state, or shall in any manner give, sell, demise, convey, or otherwise dispose of, any such lands, or any interest therein, or offer so to do, or shall enter on or take possession of, or settle on any such lands, by pretext or colour of any right or interest in the same, in consequence of any such purchase, or contract made or to be made, since the fourteenth day of October, one thousand seven hundred and seventy-five, and not with the authority and consent of the legislature of this state, every such person shall, in every such case, be deemed guilty of a public offence, and shall, on conviction thereof before any court having cognizance of the same, forfeit and pay to the people of this state, two hundred and fifty dollars, and be further punished by fine and imprisonment, at the discretion of the court.

Sales by, and contracts with, Indians for lands. K.&R. v. 1. 464. 3 Johns. Rep. 375. 7 Johns. Rep. 296. and possession, &c. taken under them, since the 14th Oct. 1775, without the consent of the legislature

Declared an offence. Penalty.

II. *And be it further enacted,* That no person shall sue or maintain any action on any bond, bill, note, promise or other contract hereafter to be made against any of the Indians, called the Stockbridge Indians, or of the Seneca tribe or nation, nor against any Indian residing in Brothertown, or on any lands reserved to the Oneida, Onondaga, or Cayuga Indians, and every person who shall sue or prosecute any such action against any of the said Indians, shall be liable to pay treble costs to the party grieved: *Provided,* That this section shall not extend to any action or suit on any contract made before the first day of July, in the year one thousand seven hundred and ninety.

Suits not maintainable on bond, bill, note, &c. against any of the Stockbridge, Seneca, Oneida, Onondaga, or Cayuga Indians. K.&R. v. 1. 464. § 2. W. v. 5. 134. § 6. On pain of treble costs.

III. *And be it further enacted,* That if any person shall sell to any Indian belonging to the Oneida or Stockbridge tribe, any rum, brandy, gin, or other ardent spirits, within the counties of Oneida, Madison, or Chenango, he shall be deemed guilty of a public offence, and on conviction thereof, be fined at the discretion of the court, not exceeding twenty dollars for one offence, and shall also forfeit the sum of five dollars for every such offence, to be recovered in an action of debt with costs, in any court

No persons to sell any spirituous or ardent liquors to the Oneida or Stockbridge Indians within certain counties. K.&R. v. 1. 464. § 3. W. v. 4. 603. § 1. Penalty.

How sued for,
and disposed
of.

Proviso.
W. v. 4. 601.
§ 1.

No other pun-
ishment to be
inflicted on
recovery of
the penalty.

No person to
sell to the
Brothertown
Indians spi-
rituous or ar-
dent liquors
without a li-
cense.

Penalty, and
how sued for
and disposed
of.

No person to
sell said li-
quors to In-
dians within a
certain tract.
K & R. v. 1.
464. § 4.
Penalty.

How sued for
and disposed
of.

No pawn to
be taken of
any Indians
for liquor.
K & R. v. 1.
465. § 5.

Governor may
receive inci-
dental expen-
ses attending
Indian affairs
not exceeding
500 dis. in any
one year.
K & R. v. 1.
465. § 6.
and may ap-
point persons
to provide for
and entertain
the Indians
visiting the
seat of gov-
ernment,
not exceeding
in expence
1000 dollars a
year.

Certain agree-
ments, stipu-
lations and
treaties with
this state, with the Oneida, Onondaga, and Cayuga tribes of
Indians, and the Indians called the St. Regis Indians, respec-
tively, as contained in certain articles of agreement, bearing date
respectively on the twenty-seventh and twenty-eighth days of Ju-
ly and the fifteenth day of September, in the year one thousand

having cognizance thereof, by any one who will sue for the same, the one half of which forfeiture to be paid to the prosecutor, and the residue to the overseers of the poor of the town in which such recovery shall be had, for the use of the said poor: *Provided*, That on the recovery of such forfeiture, the offender shall not be liable to any other or further prosecution for the said offence: And no Indian or other person shall sell or dispose of any spirituous liquors or ardent spirits, in that part of the town of Paris called Brothertown, without first obtaining a license for the same, under the hands and seals of three of the superintendents of the Brothertown Indians, under the penalty of twenty dollars, to be recovered before any three of the keepers of the peace of Brothertown, the one half of which shall be for the use of such Indian as shall sue for the same, and the other half for the use of the poor in Brothertown.

IV. *And be it further enacted*, That if any person shall sell any rum, brandy, gin, or other ardent spirits within the limits of the tract of land owned by the Muheconnuck, or Stockbridge Indians, or within the reservation lands of the Oneida or Brothertown Indians, he shall forfeit twenty dollars for every such offence, to be recovered with costs in manner aforesaid, before any justice of the peace, one half thereof to be paid to the prosecutor, and the residue to the district attorney of the district within which the said tribes of Indians reside, to be by him paid into the treasury of this state for the use of the tribes of Indians where such offence shall happen.

V. *And be it further enacted*, That no pawn taken of any Indian within this state, for any spirituous liquor, shall be retained by the person to whom such pawn shall be delivered, but the thing so pawned may be sued for and recovered, with costs of suit, by the Indian who may have deposited the same before any court having cognizance thereof.

VI. *And be it further enacted*, That it shall be lawful for the comptroller, on the order of the person administering the government of this state, to draw his warrant on the treasurer for the payment of such sums of money as shall from time to time be necessary for incidental charges attending on Indian affairs, not exceeding five hundred dollars in any one year; and it shall also be lawful for the person administering the government of this state, to appoint such persons as he shall see fit, to provide for and entertain all Indians who may visit the seat of government on any business, and to order the comptroller to draw his warrant on the treasurer for such sum or sums of money, to defray the expense of entertaining such Indians, in favour of such persons as he shall direct, not exceeding in any one year the sum of one thousand dollars.

VII. *And be it further enacted*, That all the agreements and stipulations heretofore made by agents appointed on the behalf of this state, with the Oneida, Onondaga, and Cayuga tribes of Indians, and the Indians called the St. Regis Indians, respectively, as contained in certain articles of agreement, bearing date respectively on the twenty-seventh and twenty-eighth days of July and the fifteenth day of September, in the year one thousand

seven hundred and ninety-five, and in a treaty made with the said Oneida Indians, on the first day of June, in the year one thousand seven hundred and ninety-eight, and in the treaty made with the Oneida nation on the fourth day of June, one thousand eight hundred and two, and in the treaty with the Seneca nation on the twentieth day of August in the said year; and also in the purchase made of the christian party of the Oneida nation, of all that part of their reservation, not heretofore ceded to this state, beginning at a point which is one mile and a half north of the twenty-fourth mile stone on the Seneca turnpike road, between the Oneida and Cowasselon creeks, and running thence with a straight line to a point of the shore of the Oneida Lake, which is a half a mile on a straight line westerly from the mouth of the Oneida Creek; thence along the shore of the said Oneida Lake westerly, to the lands belonging to the people of this state; then along the same southeasterly and southerly to the land of Myn-dert Wemple; then along the same easterly to the northeast corner thereof; then north to the distance of one mile and a half from said turnpike road, and then easterly to the place of beginning; and also, of another tract of land bounded as follows; beginning on the west side of the Oneida Creek opposite to the mouth of the said creek, which empties into it near the Oneida Castle, and running thence south to the line of the lands belonging to the pagan party of the said Indians; then along the same east to the said Oneida Creek, and then down along the middle thereof to the place of beginning. *And also*, in the purchase made by the governor of this state from the christian party of the Oneida nation of Indians, of all that part of their reservation land not heretofore ceded by them to the people of this state, lying on each side of the Fish Creek, and of the pagan party of the said nation of their reservation land lying east of the Oneida Creek, as designated in the said purchases. *And also* the purchase made by the governor from the Seneca Indians of the islands in the Niagara river, between Lake Erie and the Falls in the said river within this state; and the treaty made with the St. Regis Indians on the twenty-third day of May, in the year one thousand seven hundred and ninety-six, and which are filed in the office of the secretary of this state; *and also* the treaty made with said Indians for the extinguishment of their claims to the mile square and meadows in Grass River; *and also* the contract made by the governor with the agents of the Cayuga nation of Indians for the purchase of their reservation of lands, on the east side of the Cayuga Lake, containing three thousand two hundred acres, for the sum of four thousand eight hundred dollars, and all deeds executed, or to be executed in pursuance thereof; *and also* all other purchases of land as shall have been heretofore made by the governor from the Onondaga Indians, or from the christian or pagan party of the Oneida nation of Indians, or from any other nation or tribe of Indians; *and likewise* the contract or treaty made with the Seneca nation of Indians, relative to lands at the east end of Lake Erie, including Black Rock, are hereby declared to be ratified and confirmed.

W. v. 6. 59.
Sess. 33. c.
154. § 1.
Sess. 34. c. 37.
W. v. 3. 169.
W. v. 5. 28.

Certain sums
to be annual-
ly paid to cer-
tain Indians.
K&R. v. 1.
456. § 8.

Oneida tribe.

Onondaga.

Cayuga.

Posterity of
the Fish Car-
rier.

When to be
paid.

How to be
paid.

Proviso, as to
monies out of
the annuities
to be applied
for schools,
and how.

Annuity to be
paid the chris-
tian party of
Oneida In-
dians;

and also to
the Oneida
nation.

W. v. 3. 171.
§ 25.

and to the
Cayuga na-
tion.

W. v. 5. 89.
§ 7.

and also all
other annui-
ties.

Certain limits
conferred to
the Stock-
bridge Indians
and called
New-Stock-
bridge.

K&R. v 1. 457
§ 9.

VIII. *And be it further enacted*, That the treasurer of this state shall annually, on the warrant of the comptroller, pay to the order of the person administering the government of this state, out of any monies in the treasury, the following sums, to wit: The sum of four thousand eight hundred and sixty-nine dollars and twenty-eight cents, for the use of the Oneida tribe of Indians; the further sum of two thousand dollars, for the use of the Onondaga tribe of Indians; the further sum of two thousand three hundred dollars, for the use of the Cayuga tribe of Indians; and the further sum of fifty dollars, for the use of the posterity of the Cayuga chief, Fish Carrier, being the annuities to be paid to the said tribes and the posterity of the Fish Carrier respectively, and in lieu of all former annuities, in conformity to the said articles and the said treaty with the Oneida Indians, which said annuities shall be paid on the first day of June in every year, at the several places specified in the said articles and treaty for that purpose, at the expense of this state; and the person administering the government of this state, is hereby authorised to cause the said annuities to be paid in such manner, and by such persons, as he shall think proper, and as may be most agreeable to the said Indians and the least expensive to this state, and for that purpose he may direct the surveyor-general to perform the service, or make such arrangements or contracts with any other persons relative thereto, as he may judge proper: *Provided, however*, That such part of each of the said annuities as the person administering the government of this state shall in his discretion direct for that purpose, shall be first appropriated to the support of the public school, if any, instituted within the limits assigned to the said tribes respectively, in which Indian children shall be taught, and that the monies so appropriated for the support of public schools within the said Oneida tribe, shall be distributed in such manner as that the several villages of the said Oneida tribe may, as near as may be, equally enjoy the benefit thereof: *And further*, The treasurer of this state shall, annually, on the warrant of the comptroller, pay to the order of the person administering the government of this state, such annuity as shall become due to the said christian party of Indians, by the stipulations contained in the treaty or purchases referred to in the preceding section; *And also*, the sum of three hundred dollars annually, for the Oneida nation of Indians, to be paid to the said Indians pursuant to the treaty referred to in the said preceding section; *And also*, such annuity as shall become due to the Cayuga nation by the stipulations contained in the treaty or contract with the said Indians, also specified in the said preceding section; and all such other annuities as shall have arisen or become due by virtue of any contract, treaty, or purchase, with any of the tribes or nations of Indians in this state, made under the sanction of the legislature thereof, or subsequently ratified by law.

IX. *And be it further enacted*, That the tract of land of six miles square, confirmed by the Oneida Indians to the Stockbridge Indians, by the treaty held at Fort-Stanwix in the year one thousand seven hundred and eighty-eight, shall be called New-Stock-bridge, and be and remain to the said Stockbridge Indians and

their posterity for ever, but without any power of alienation, or right of leasing or disposing of the same, or any part thereof.

But without the power of alienation.
Recital.
Sess. 34, c 72.
§ 5.

And whereas a claim is set up by the Oneida nation of Indians to the lands occupied by the Brothertown and Stockbridge Indians: *And whereas* several tracts of the land occupied by the Brothertown and Stockbridge Indians, have been sold in fee simple under the authority of the state: *And whereas* the said claim is likely to create controversies and disputes between the said Indians, and will materially affect the interest of the state: Therefore,

Further recital.

X. *Be it further enacted*, That the person administering the government of this state be, and he is hereby authorised to cause the said claim of the Oneida Indians to be investigated; and in case the said Oneida nation of Indians shall appear to have any just, legal or equitable claim to the lands occupied by the said Brothertown and Stockbridge Indians, to cause the said claim to be purchased, or otherwise extinguished; and that the treasurer, on the warrant of the comptroller, pay to the order of the person administering the government of this state, the expenses and consideration money of such investigation and purchase.

A certain claim of the Oneida Indians to lands held by the Brothertown and Stockbridge Indians to be investigated, and how.

XI. *And be it further enacted*, That it shall be unlawful for any person or persons, other than Indians, to settle or reside upon any lands belonging to any nation or tribe of Indians within this state; and if any person shall settle or reside on any such lands contrary to this act, he or she shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by fine, not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment, not less than one month nor more than six months, in the discretion of the court having cognizance thereof; and it shall be the duty of the courts of oyer and terminer and general sessions of the peace, in the several counties of this state in which any part of said lands are or may be situated, to charge the grand juries of their respective counties specially to indict all offenders against the provision of this section.

None but the Indians to be allowed to settle or reside on their lands.
Sess. 35, c 239.
§ 64.

Punishment.

Duty of the oyer and terminer and general sessions in certain counties.

XII. *And be it further enacted*, That William Gray, Lewis Cook and Lorin Turbell, belonging to the tribe of the St. Regis Indians, be and they are hereby appointed trustees for the said tribe, for the purpose of leasing the ferry over St. Regis river, with one hundred acres of land adjoining, and also one mile square of land on Grass river, within their reservation in this state, for such term of time as they shall judge proper, not exceeding ten years; and it shall and may be lawful for the said trustees to apply the rents and profits of the said ferry and lands, for the support of a school for the instruction of the children of the said tribe, (of which the said trustees shall have the superintendence) and for such other purposes as the said trustees shall judge most conducive to the interest of the said tribe; and the powers hereby vested in the said trustees may be exercised by them or any two of them; and it shall and may be lawful for the said trustees to procure a bell for the church belonging to the said tribe, to be paid for out of their annuity.

Certain trustees appointed to lease the ferry over St. Regis river, with 100 acres of land adjoining, and also 1 mile square on Grass river.
W. v 3, 62.
§ 1. 4.

Duration of term.
Rents and profits how to be applied.

Any two of the trustees may act.

XIII. *And be it further enacted*, That it shall and may be lawful for the said St. Regis Indians, on the first Tuesday of

St. Regis Indians may hold annual town-meetings,

W. v 3. 63.
§ 2.

And elect a clerk and his duties declared.

And also may make rules as to the improvement of their lands.
W. v 3. 63.
§ 3.
And elect trustees for executing the same.

Northern missionary society may lease certain lands in the late Oneida reservation.
W. v 5. 410.
§ 1.

And upon what terms and how.

Duty of the district attorney of the fifth district as to the St. Regis Indians.
W. v 5. 410. § 2
[This section contained in the act "relative to district attorneys," passed April 9, 1813.—vide sec. 5 & 6.]
Sess. 34, c 243.
Suits in their behalf how brought.
Indians in New-Stockbridge may meet and annually elect, etc.
K&R. v 1. 467
§ 10, 11, 13, 14, 15, 16, 17, 18.
W. v 3. 62. § 2

Peace makers may call special town meetings.
Powers of the stated and

May next, and on the first Tuesday of May in every year thereafter, to hold a town-meeting on their said reservation within this state, and by a majority of male Indians, above twenty-one years of age, to choose a clerk, who shall keep order in such meeting, and enter in a book, to be provided by him for that purpose, the proceedings of the said meeting.

XIV. *And be it further enacted*, That it shall and may be lawful for the said tribe, at any such meeting as aforesaid, to make such rules, orders and regulations, respecting the improvement of any other of their lands in the said reservation, as they shall judge necessary, and to choose trustees for carrying the same into execution, if they shall judge such trustees to be necessary.

XV. *And be it further enacted*, That it shall and may be lawful for the northern missionary society of this state, to lease a lot of land containing three hundred and twenty acres, in the late Oneida reservation, now in the town of Westmoreland, in the county of Oneida, and which, by an act for the speedy sale of the unappropriated lands within this state, and for other purposes therein mentioned, passed the fifth of May, one thousand seven hundred and eighty-six, was appropriated to the use of Samuel Kirkland, missionary to the Oneida tribe of Indians, during his natural life to the several possessors thereof, according to the extent of their several possessions, on such rent, not exceeding twenty-five dollars for each hundred acres, not exceeding ten years, as they in their discretion shall think proper, and to apply such rents to the promotion of morality and religion amongst the said Oneida Indians.

XVI. *And be it further enacted*, That it shall be the duty of the district-attorney residing in the district including the county of Washington, to advise and direct the St. Regis Indians residing at St. Regis, in the controversies among themselves, and with any other person, and defend all actions brought against any of them by any white person, and commence and prosecute all such actions for them, or any of them, as he may find proper and necessary; and in all prosecutions in their behalf, it shall not be necessary to name any individual of the said tribe, but it shall be sufficient to bring the same in the name of the St. Regis Indians, any law to the contrary notwithstanding.

XVII. *And be it further enacted*, That it shall be lawful for the male Indians, above the age of twenty-one years, residing in New-Stockbridge, to meet together on the first Tuesday of May annually, in said New-Stockbridge, and there by a plurality of votes elect the following officers: one clerk, one marshal, and three peace-makers, and the clerk shall preside at such meetings, who shall enter the proceedings thereat in a book to be kept by him for that purpose, and the proceedings of the peace-makers shall be entered by him in the same book; and the marshal shall execute all orders of the peace-makers, made in pursuance of this act: *And further*, It shall be lawful for the peace-makers to call special meetings of the said Indians, at such times and places and on such occasions as they shall deem necessary; and the said Indians at their said annual or special meetings, may by a like plu-

tality of votes determine on the laying out of their lands for se-
 parate improvements, and to make such by-laws for the im-
 provement of their common lands, for laying out and working on
 the highways, for regulating fences and the trespassing of cattle,
 and under such penalties, not exceeding three dollars for any one
 offence, to be sued for and recovered by any one of the said In-
 dians in the manner hereinafter mentioned, as they shall deem
 necessary; to admit any Indian of any other tribe or nation to
 become an inhabitant of New-Stockbridge, and to enjoy the same
 privileges with them; and the said peace-makers shall lay out
 such parcel for the separate improvement of any person or family
 as shall have been directed at any such meeting, which parcel
 shall be marked out and described by them, and the description
 thereof in writing delivered to the said clerk, to be entered in
 the said book, and such parcel so allotted, shall remain to such
 person and his legal representatives, but without the power of
 alienation, except that he or they may sell the improvements there-
 of to any other Indian residing in New-Stockbridge, his or their as-
 signs, but such sales shall be entered by the said clerk in the said
 book; and every person entitled to, and possessed of such parcel,
 may sue any white person, Indian or other person, for any trespass
 committed thereon; and the said peace-makers shall likewise bring
 actions in their own names for the trespasses committed on any of
 the said undivided lands, in any court having cognizance thereof;
 and if such trespass shall be committed by a white person or on
 lands allotted as aforesaid, by cutting down timber, or improving or
 occupying the said lands without the consent of such peace-makers,
 such white person shall forfeit twenty-five dollars, recoverable
 with costs, by and in the names of the said peace-makers, in any
 court having cognizance thereof, and to be paid by them as
 they shall deem most beneficial to the said Indians; and all con-
 tracts relative to any undivided land to be made by any one of
 the said Indians with another, are hereby declared void; and
 the said peace-makers shall lay out such roads and highways, and
 from time to time order the inhabitants to work the same, and
 for so many days as shall have been directed at any annual or
 special meeting of the said Indians: *And also* shall hear and de-
 termine all matters between any of the said Indians, relative to
 any trespass, debt, demand, or penalty, under any by-law made
 pursuant to this section, and to direct the said marshal to cause
 the parties and witnesses to be brought before them, and to hear
 their allegations and proofs; and in case the parties shall not
 comply with the determination of the said peace-makers, then
 such peace-makers shall commit their determination to writing,
 and the same being entered in the said book by the said clerk,
 shall entitle the party in whose favor such determination shall
 have been made: *Provided*, The same do not exceed twelve
 dollars and fifty cents, to recover the sum awarded as upon a
 judgment of record in any court having cognizance thereof; and
 it shall be competent for any two peace-makers to execute all
 the duties by this act delegated to all; and the missionary to the
 said Indians shall be entitled to the like remedy for any debt or

special town-
 meetings in re-
 gard to laying
 out their lands
 for separate
 improvements

Admission of
inhabitants.

Peace-makers
 to lay out
 lands for such
 separate im-
 provement.
 Parcels so
 laid out to be
 described.
 Description to
 be entered by
 the clerk.

Improve-
 ments may be
 sold by occu-
 pant to any
 other inhabit-
 ant.

Sale to be re-
 gistered by
 the clerk.
 Occupants
 may sue for
 trespass, etc.
 Peace-makers
 to sue for tres-
 passes on the
 undivided
 lands.
 9 John. Rep.
 362

How recover-
 ed and appli-
 ed.

Contracts by
 one Indian
 with another,
 as to the undi-
 vided lands,
 void.

Peace-makers
 to lay out
 roads, etc.
 To have juris-
 diction of all
 actions of tres-
 pass, debt, etc.
 between said
 Indians.

And to cause
 parties and
 witnesses to be
 brought before
 them by the
 marshal.

Determination
 of peace-ma-
 kers to be in
 writing, etc.

Amount of
 sum cogniza-
 ble before
 them, etc.
 Two peace-
 makers may
 act.

The missiona-
 ry entitled to
 the like reme-
 dy.

dies as the inhabitants.

demand against any of the said Indians, as the said Indians have against each other.

Certain land designated for the support of a minister of the gospel.
W. v. 3. 61.
sec. 1, 2, 3.
With power to use, lease, etc.
When no missionary or minister, how disposed of.

XVIII. *And be it further enacted*, That one hundred acres of the common land of the said Indians at the northeast corner of the said town heretofore designated by the said peace-makers, and entered in the said book, for the support of a minister of the gospel, shall be and remain for the use of the present minister and his successors, with power to use, improve or lease the said land, but whenever there shall be no missionary or settled minister, the said peace-makers may improve or lease the said land, until such vacancy shall be filled, and the monies arising therefrom shall be disposed of as shall be directed by an annual, or special meeting of the said town.

Lands set apart for the New-England Indians, etc.
K. & R. v. 1.
469. 20.

XIX. *And be it further enacted*, That the tract of land heretofore set apart for the Indians, called the New-England Indians, consisting of the tribes called the Mohegan, Montock, Stonington and Narragansett Indians, and the Pequots of Groton, and Nehanticks of Farmington, shall be and remain to the said Indians, and their posterity, but without any power of alienation by the said Indians, or of leasing or disposing of the same, or any part thereof; and the said tract shall be called Brothertown, and shall be deemed part of the town of Paris, in the county of Oneida, for all purposes in the general execution of the laws, and the administration of justice, in any of the courts of this state, and any proceeding incident thereto, except in cases provided for by this act.

But without the power of alienation, or leasing, etc.

Certain land set apart for the separate use of the said Indians confirmed.
K. & R. v. 1.
469. § 20.
W. v. 3. 478.
§ 1.
2 John. ca. 344

XX. *And be it further enacted*, That the lots or parcels of land heretofore set apart in Brothertown, in pursuance of any former law of this state, for the separate use of any of the said Indians residing therein, shall continue to be separately held and enjoyed by such Indians respectively; and it shall and may be lawful for any Indian residing in Brothertown to whom any lands have been assigned, to give and bequeath by will, in writing, his personal estate, also to give and devise any right, title or interest which he may acquire to any lands, except the lands set apart for the Brothertown Indians; and every such will and devise shall be executed and proved as is directed by the act, entitled "an act concerning wills," passed the fifth day of March, 1813, and be of the same validity and effect as if made by any white person; and it shall be lawful for the person administering the government of this state, by and with the advice and consent of the Council of Appointment, as often as may be necessary, to appoint and commission five or more superintendents of the affairs of the Brothertown Indians, who shall hold their office for the term of three years, unless sooner removed by the said council: *Provided*, That the superintendents already appointed shall continue to hold their respective offices during the pleasure of the said Council; and the said superintendents, or a major part of them, on application to them made by or on behalf of any particular Indian, shall have power to determine whether such Indian be entitled to settle on the said lands, and if so, to assign to such Indian, at their discretion, a particular lot or parcel of land for that purpose; and it shall not be lawful for any Indian or In-

Wills how executed and proved.

Five or more superintendents to be appointed and how.
K. & R. v. 1.
460. § 20.
W. v. 4. 602.
§ 2.
W. v. 5. 362.
sec. 2.

To assign any particular lot, etc.

dian family, or other person, to take possession of any part of the said lands, unless the same be assigned as aforesaid; and if any Indian, to whom any part of the said lands hath been or shall be assigned as aforesaid, hath neglected or shall neglect to take possession of the same within one year after becoming entitled thereto, or hath left or shall leave Brothertown for the space of one year, such Indian shall be deemed to have forfeited all right to the said land, and the said superintendents shall thereupon, at their discretion, assign the same to any other Indian then residing in and entitled to land in Brothertown; and that no accounts of any of the superintendents shall be allowed by the comptroller, unless the same shall be approved by a majority of the said superintendents, to be certified by them; and that the vouchers and receipts for such advances so made, shall accompany the same account, together with an oath or affirmation, that the articles furnished or services performed in such account, were furnished or performed by such superintendent or his order for the said Indians, and not for the benefit of any other person whomsoever.

In case the Indian to whom it is so assigned neglect to take possession in a year or shall leave the same he shall forfeit his right and superintendents may assign to another.

Accounts of superintendent to be audited by the comptroller, and how. W. v. 4. 602, sec. 3. Superintendents to swear to their accounts, etc.

XXI. *And be it further enacted*, That upon the death of any Indian, residing in Brothertown, to whom any land hath been or shall be assigned as aforesaid, or who shall be entitled thereto, if such Indian shall die possessed thereof, leaving issue, the same shall go to and be equally divided among such issue, if they are all in equal degree of kindred to the deceased; but if such Indian shall leave a child or children, and the issue of a deceased child or children, then such issue shall stand in the place of the parent, and take only such share as the parent would have taken, if living, and the like division, *per stirpes*, shall be made among the descendants of such deceased Indian in the remotest degree; and if such Indian leave no issue, then the said land shall revert to the Brothertown Indians, and the said superintendents shall thereupon assign the same to some other Indian or Indians entitled thereto as aforesaid: *Provided however*, That the widow of the deceased shall in all cases have a right to continue in the house her husband died possessed of, during her widowhood; and the superintendents shall also assign to her so much of the said land of her husband as they may think necessary.

Rule of descendants and distribution among the said Indians. K. & R. v. 1. 470. sec. 21.

Proviso. As to the widow's right.

XXII. *And be it further enacted*, That the treasurer of this state shall annually, on the first Monday of August in every year pay out of any monies not otherwise appropriated, on the warrant of the comptroller, and to the order of the person administering the government of this state, the sum of two thousand one hundred and sixty dollars and seventy-nine cents, being the amount of the interest of the monies arising from the sales of land of the said Indians in Brothertown, at the rate of six per cent. who shall cause so much thereof as he shall deem necessary for that purpose, to be applied to the maintaining a school in Brothertown for the education of Indian children, and the remainder after payment of the salary of the attorney hereinafter mentioned, to the use of the Indians resident in Brothertown as he shall judge most beneficial to them; and that no part of the said annuity which

Certain monies to be annually paid for the support of an Indian school in Brothertown. K. & R. v. 1. 470. sec. 22.

And other monies how appropriated.

None to be paid to individual Indians as a premium etc. for sobriety, etc.
W. v. 4. 602. sec. 4.

is directed to be paid for the use of the said Indians, shall be divided and paid to individual Indians, unless as a premium or reward to such of them as in the opinion of any three of the said superintendents shall be most deserving, for their sobriety and improvements on their farms in the raising of grain and other produce; and in order to obtain such reward or premium, such Indian shall obtain from any three of the said commissioners a certificate that in their opinion he is deserving of the same.

Certain land may be sold for the use of a school-master.
K & R. v. 1. 470 s. c. 23. Not exceeding 25 acres.

XXIII. *And be it further enacted*, That it shall and may be lawful for any of the Indians entitled to and residing on lands in Brothertown, and to whom land adjoining the public school has been granted, to sell and convey to the peace-makers of Brothertown so much of the said land adjoining the said public school as in the judgment of the said peace-makers may be sufficient for the use and accommodation of the master of the said school for the time being, not exceeding twenty-five acres, for which such Indian or Indians shall be paid by the superintendents out of the annuity of the Brothertown Indians, such sum per acre as shall be agreed on by such Indian or Indians and the said peace-makers, and approved of by the said superintendents; and the said land so to be purchased as aforesaid shall be held by the said peace-makers and their successors in trust, for the sole use and accommodation of such school-master as shall from time to time be employed in keeping the said public school; and that it shall and may be lawful for the superintendents, or a majority of them, by and with the advice and consent of the person administering the government of this state, to appropriate, purchase or lease so much of the Indian land in Brothertown which has not been set apart to particular families or individuals, or to purchase or lease so much land, already set apart, for the purpose of erecting for the use of the said Indians, a house for public worship in Brothertown, and other buildings necessary for the education and morals of their children, in such manner as to the superintendents, or a majority of them, shall appear most conducive to their future welfare; and by the advice and consent of the person administering the government of this state for the time being, out of the annuity to be paid annually to the said Indians, to defray the expenses of the education, and, if necessary, the support of the said Indian children; and, in case the superintendents shall lease or purchase such lands as aforesaid, for the purpose above mentioned, the rent or purchase money shall be paid out of the annuity as it shall become due to the said Indians, and also the expenses of building the house for public worship and the other buildings for the education of Indian children.

Land appropriate, or the use of a house for public worship.
W. v. 4. 602. sec. 5.

and for other buildings, etc. for education and morals, etc.

Expenses of education how defrayed and expenses of building, etc.
Superintendent of the Brothertown to be the Superintendent of the Stockbridge Indians for the purpose of.
W. v. 4. 603. § 6.

XXIV. *And be it further enacted*, That the superintendents of the Brothertown Indians for the time being, be, and they are hereby appointed superintendents of the Stockbridge Indians for the purposes herein after mentioned; that is to say, it shall and may be lawful for the said superintendents, or a majority of them, by and with the advice and consent of the person administering the government of this state for the time being, and by and with the consent of the said Stockbridge Indians, to sell or to lease so much of their land in New-Stockbridge, as may ena-

ble the said superintendents to repair their mills, to create such fund as they may judge necessary for the support of such old and decrepit persons as may be unable to procure a subsistence, and to make such further provision as they shall judge necessary for the better educating of the Indian children in New-Stock bridge.

XXV. *And be it further enacted*, That on the sale of any land for the purposes above mentioned, the said superintendents shall make a conveyance of the same, take a mortgage from the purchaser or purchasers for the security of the payment of the purchase money at the time stipulated for the payment thereof, similar to those taken from the purchasers of lands in Brothertown, and shall cause the same to be lodged with the comptroller in his office, and the interest arising therefrom shall annually, and the principal when the same shall become due, to be paid to the said superintendents by the treasurer, on the warrant of the comptroller; and in case the superintendents shall judge it expedient to dispose of any part of the said lands, on perpetual or other leases, such leases shall be taken in the name of the people of this state, and lodged with the comptroller, in his office, and the rents arising therefrom, shall, in like manner as aforesaid, be paid to the superintendents for the purposes aforesaid: *Provided always*, That no more than five hundred acres of land shall be sold or leased by the superintendents until the further order of the legislature.

XXVI. *And be it further enacted*, That the accounts of the said superintendents, in respect to the Stockbridge Indians, shall be audited by the comptroller, in like manner as their accounts are directed to be audited in this act in respect to the Brothertown Indians; and that they make annually a report to the person administering the government of this state for the time being, of their proceedings in pursuance of this act, in respect to the said Stockbridge Indians.

XXVII. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, as often as may be necessary, by and with the advice and consent of the council of appointment, to appoint and commission some proper person, learned in the law, to be the attorney of the Brothertown, Oneida, and Stockbridge tribes of Indians, during the pleasure of the said council, but the person already appointed attorney to the Brothertown Indians shall continue as the attorney of the said Indians during the pleasure of the said council, and that the said attorney shall, from time to time, advise and direct the said Indians in the controversies among themselves, and with any other person, and defend all actions brought against any of them by any white person, and commence and prosecute all such actions for them, or any of them, as he may find necessary and proper; and in the prosecution and defence of any such actions, he shall observe and pursue such advice and directions as shall be given him, if any, by the said superintendents, or person administering the government of this state, and shall receive as a compensation for his services and expenses in the premises, the

selling or leasing certain land to repair their mills, and to support old and decrepit persons, etc.

The superintendents to secure purchase money by mortgage, etc. W. v. 4. 603. § 7.

where mortgages to be deposited, and to whom and how monies to be paid.

Leases how to be taken.

Proviso that no more than 500 acres shall be sold, etc.

Accounts of superintendents as to the Stockbridge Indians how audited. W. v. 4. 603. sec. 8. and to report annually and to whom and how.

Attorney to the Brothertown, Oneida, and Stockbridge Indians to be appointed. K. & H. v. 1. 471 sec. 24.

Present attorney of the Brothertown Indians to continue.

Duty of the attorney,

and compensation.

yearly salary of one hundred and fifty dollars, to be paid out of the said interest money.

Indians in Brothertown to whom lands are assigned, may maintain suits for trespasses.
K. & R. v. 1. 470. sec. 25.
Provido, when such Indians shall be deemed to have forfeited their right to such land.
W. v. 5. 133. sec. 4.

Attorney of the Brothertown Indians may maintain trespass, etc. for the Indians in certain cases.
K. & R. v. 1. 476. sec. 26.
Damages recovered, how applied.

Wood may be cut for the purpose of bridges, etc.

and repairing buildings, etc.
Provido requiring a previous permit to cut.
W. v. 5. 133. sec. 2.

But such permit not to protect a white person, etc.
who shall be liable to a suit by the injured party, and if he do not sue in 30 days, then by the attorney to the Indians.

Declaration in the suit.

No license, etc. to be a bar

Damage how applied, etc.

XXVIII. *And be it further enacted*, That it shall be lawful for any Indian, whether male or female, to whom any of the said land in Brothertown has been, or shall be assigned as aforesaid, or who shall become entitled to the same, to sue and maintain actions of trespass, and to recover damages to his or her own use, for any trespass which shall be committed upon such land: *Provided*, That if any Indian, to whom any land hath been or may be assigned, shall neglect to improve the same by clearing and putting in good fence, four acres of the same, within four years after such assignment, and within two years thereafter build a good log or frame house thereon, such Indian shall be deemed to have forfeited all right to such land.

XXIX. *And be it further enacted*, That it shall be lawful for the said attorney of the Brothertown Indians, to sue and maintain actions of trespass in the name of the Brothertown Indians, for any trespass committed since the first day of October, in the year one thousand seven hundred and ninety-five, or which shall hereafter be committed on any land set off for the said Indians, and not assigned to any particular Indian or family; and the damages recovered after deducting the expences attending such recovery, shall be paid by the said attorney to the said superintendents, to be applied for the relief and benefit of the Indians then residing in Brothertown; but it shall be lawful for the said Indians to cut timber on the tract set apart for their use, whether the same be assigned as aforesaid or not, for the purpose of making highways and bridges within the same tract, and also to cut timber on any part of the said tract not assigned as aforesaid, for the purpose of repairing their buildings and erecting others, but for no other purpose; *Provided*, no Indian shall cut down or remove any timber or wood from any of the lands lying in common, and not assigned as aforesaid, unless a permit in writing signed by two of the said superintendents be first obtained, specifying therein the quality, quantity, and kind of timber or wood, to be so cut or removed, and which permission shall be recorded by the town clerk; *And further*, if any other person than an Indian shall commit any trespass by cutting or carrying away any wood or timber off or from the lands set apart for the said Indians, such person shall be liable for such trespass, any sale, lease or license from any of the said Indians to the contrary notwithstanding; and if such trespass be committed upon any land assigned as aforesaid, and the party entitled to such land do not, within thirty days thereafter, require the said attorney to sue for the same, then such attorney shall bring an action for the same in like manner as if such trespass was committed on lands not assigned as aforesaid, and the declaration in such case shall charge the defendant with breaking and entering the close of the said Indians, and cutting down and carrying away the timber therefrom, and no license, release or agreement from any Indian, or that the trespass was committed on any land assigned as aforesaid, shall be a bar to such action, and the damages recovered therein shall be applied in like manner as damages recovered for trespass on the

lands not assigned as aforesaid; *And further*, it shall be the duty of the school-master in Brothertown, for the time being, or such other person as shall be appointed by the said superintendents for the purpose, to give notice from time to time to such superintendents of all violations of the laws, enjoined on the said Indians, and likewise, all orders and regulations to be made by such superintendents, which notice shall be in writing, and delivered to two of the superintendents.

XXX. *And be it further enacted*, That the superintendents of the affairs of the Brothertown Indians, be, and they are hereby empowered to lease the lands assigned or belonging to any particular Indian in Brothertown aforesaid, who has died or may die, leaving a widow and infant children, or leaving a widow only, or infant children, to such person as they shall judge proper, who shall covenant to keep such land in good fence and repair, for such term of time as they shall deem necessary, for the support of such widow and children, or for such widow only, or for such infant children, as the case may be, not exceeding the term of fourteen years, at such rent to be paid in the produce of such land, as they shall judge reasonable; to be applied to the maintenance of such widow and children as aforesaid; and the said superintendents shall appoint proper persons to have the care and charge of such children.

XXXI. *And be it further enacted*, That it shall and may be lawful for the superintendents of the Brothertown Indians for the time being, or a majority of them, by and with the advice and consent of the person administering the government of this state for the time being, and by and with the consent of the Stockbridge Indians, to sell or to lease so much of their lands on the turnpike road in one or more parcels, as they shall judge most convenient for keeping public houses for the accommodation of travellers, and shall take such securities for the same, and cause their accounts to be audited, and a report made of their proceedings, as is directed by the twentieth section of this act; *Provided always*, That no more land than three hundred acres be sold or leased by the said superintendents; *And further*, That the interest of the monies arising from the sale of the said land, or from the rents thereof, shall be applied by the said superintendents for the purposes mentioned in the eighth section of this act.

And whereas the two parties of the Oneida nation of Indians, to wit; the christian party and the pagan party, on the partition of their reservation lands, did convey to Cornelius Dockstader, an Oneida Indian, and to his heirs and assigns in the deed of partition aforesaid, recorded in the secretary's office, one hundred acres of their said reservation land, bounded on the north by the turnpike road; on the east, by land belonging to Frederick Young; on the south, by the creek emptying itself into the Oneida Creek, and extending so far west as to contain the said one hundred acres; therefore,

XXXII. *Be it further enacted*, That all the right, title, interest and claim of pre-emption of, in, and to the said one hundred acres of land, as above described, be, and the same is hereby

Schoolmaster, etc., to give notice of the violations, etc. W. v. 5. 133. sec. 3.

Provision made for the widow and children of Indians to whom lands are assigned, etc. W. v. 5. 133. sec. 1.

Duty of the superintendents.

Certain lands to be leased or sold for the purpose of public houses for travellers, etc. W. v. 5. 134. sec. 8.

Proviso—such land not to exceed 300 acres. W. v. 5. 134. sec. 9. Monies arising from sales, etc. how applied.

Recital. W. v. 5. 134. sec. 7.

100 acres confirmed to Cornelius Dockstader.

granted to the said Cornelius Dockstader, his heirs and assigns.

XXXIII. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, to appoint not exceeding five, nor less than three, of the said Indians to be keepers of the peace or peace-makers, to hold their offices for three years, unless removed by the said council; and the said keepers of the peace shall severally have power to keep the peace in Brothertown, and a majority of them shall have power to hold a court at the school-house, or at such other place in Brothertown as they shall appoint, on the first Monday in every month, and in such court to hear and determine all disputes and controversies between any persons residing in Brothertown aforesaid, concerning any debt, demand or trespass, where the sum due or damages sustained shall not exceed twenty dollars, and all causes of assault and battery between the Brothertown Indians, to the amount of twelve dollars and fifty cents; and on complaint of the plaintiff, may issue their warrant to the marshal to bring the defendant forthwith before them, and try, give judgment, and issue execution thereupon as in other cases; and all actions for the recovery of any penalty of any by-law to be made at any town-meeting in Brothertown, as herein after mentioned: And it shall be lawful for either of the said keepers of the peace, upon complaint made to him, to cause the person complained of, to be summoned to appear at the next court to be held at the school-house or other place appointed as aforesaid in Brothertown, to answer the complaints; and the said keepers or the major part of them shall, at such next court or other court to which the court may be adjourned, hear and examine the allegations and proofs of the parties, and make such order and decree between them as shall appear to them to be just, and if such order and decree be not performed in one month thereafter, shall then cause the sum adjudged or decreed to either party to be levied by distress and sale of the goods and chattels of the party who shall be adjudged or decreed to pay the same, together with such fees as are herein after allowed to the marshal for executing the process, but the said keepers shall not take any fees for their services; and it shall be lawful for the said keepers to adjourn any cause depending before them to the next court, whenever they shall find it necessary; and if the defendant shall not be personally summoned upon the process against him, and shall not appear at the return thereof, a new summons shall be issued; but if he shall have been personally summoned, then the court may at the return of the summons proceed to hear and determine the cause whether the defendant appears or not, unless a reasonable excuse shall be offered, in which case they shall adjourn the cause to the next court, and the judgment of the said keepers or a majority of them who shall attend upon the hearing of any cause, shall be conclusive between the parties; and whenever any order or decree is made by the said keepers, it shall and may be lawful for them to cause the amount of such order or decree to be immediately levied by distress and sale of the goods

Peace makers to be appointed in Brothertown.

K. & R. v 1.
47 sec. 28
W v 5. 362
sec. 2

Their powers and duties.

To hold a court monthly etc
W. v 5. 362
sec. 4, 5.

Not exceeding 20 dollars.

To try actions of assault and battery, where damages claimed do not exceed 12 dollars. 50 cents.
To issue warrants to the marshal to bring defendants before them etc.

Penalties under any by-law also recoverable before them.

To issue summonses to defendants.
And try and determine the causes.

And if judgment be not performed in one month, to issue execution against the goods, etc.

Peace makers to take no fees.
Power to adjourn causes.

How to proceed on summons.

Judgment of peace makers conclusive.

And may be immediately

and chattels of the person against whom such order or decree shall be made: *Provided*, if the person in whose favor such order or decree is made, shall make it appear to the satisfaction of the said keepers by his own oath or the oath of any other person, that he will be in danger of losing the sum so decreed if delay of execution be allowed: *And further*, That the marshals of Brothertown shall be allowed for serving a summons or execution, mileage for one mile twelve and a half cents, and for every mile more six cents; and that it shall be lawful for any one of the said keepers of the peace to issue a subpoena, the same being drawn in as brief a form as may be, and subscribed by such keeper, to summon any person, whose attendance may be required as a witness in any cause instituted before the said keepers; and if any person so summoned, shall neglect to appear and give testimony in such cause or render a sufficient excuse for his non-attendance to the satisfaction of such keepers, every such person shall forfeit to the party on whose behalf he shall be summoned, the sum of five dollars, to be recovered in an action of debt, in the name of such party, before the said keepers.

enforced by execution.
W. v 3. 478
sec 2
Provido, if plaintiff shall be in danger of losing his demand.
Marshalls fees

Peace makers may issue subpoenas for witnesses.
W. v 3. 65
sec. 5

Penalty for disobeying same.

XXXIV. *And be it further enacted*, That if any person shall come to reside in Brothertown, who is not entitled to settle on lands in said town, it shall be the duty of the attorney of the Brothertown Indians to notify such persons in writing to remove from said town; and in case such person shall neglect to remove for the space of six days after receiving such notice, it shall and may be lawful for any judge of the court of common pleas in the county of Oneida, on application by the attorney of the said Indians to issue a summons commanding such person to appear before him on such day as he shall appoint, to shew cause why he should not be removed, which summons may be served by the sheriff or any constable of the county of Oneida; and if no satisfactory cause be shewn to the judge on the return of the summons, it shall be the duty of the judge to order such person to be removed, with his family and effects, if such person has a family; and he shall further order and adjudge, that such person shall pay such sum as he may deem necessary to defray the costs and expenses of the proceedings under this act, which sum shall be levied by distress and sale of the goods and chattels of the person against whom such order may be made, and paid to the judge to be by him paid to the attorney of the said Indians, after deducting the fees herein after mentioned, and to be accounted for by the said attorney, to the superintendents of the said Indians, and the said judge who shall make the said order shall issue his warrant directed to the sheriff or any constable of the county of Oneida, commanding them to remove the person against whom such order is made; and to distrain and sell the goods and chattels of the said person to the amount of the sum adjudged for costs; and the said sheriff or constable, are required without delay to execute such warrant, and to make return to the judge who issued the same.

Persons not entitled to reside in Brothertown to be removed and how.
W. v 3. 479
sec. 4

Proceedings thereupon.

Warrant of removal to be issued.

XXXV. *And be it further enacted*, That the judge who performs the services required by this act, shall be allowed the following compensation, viz: For every summons, twenty-five

Judges compensation under preceding section.
W. v 3, 479.
§ 5

And of the
sheriffs, etc.
And for serv-
ing summons.
etc.

How to be
paid.

If on a convic-
tion for a tres-
pass or breach
of a by-law
offender has
no goods and
chattels to
satisfy the ex-
ecution,
K&R. v 1, 473
§ 29

Then on a
certificate
thereof,

the attorney
for the Indians
shall issue a
warrant to
take his body.

and commit
him to gaol
for 30 days.

Expenses of
the proceed-
ing, etc how
to be defrayed

Town-meet-
ings in Bro-
thertown how
held.
K&R. v 1, 474
§ 30.

To elect a
clerk, 2 over-
seers of the
poor, 2 mar-
shals, etc.

cents; for every order, one dollar; for every warrant, twenty-five cents; and that the sheriff or constable who serves the summons shall be allowed the same fees as are allowed to constables for serving a summons under the act, entitled "an act for the recovery of debts to the value of twenty-five dollars;" and that the officer who shall serve the warrant shall be allowed such sum as the judge may deem proper; and in case there shall not be a sum sufficient collected of the person against whom the order is made, to defray the expense of executing this act, then the same shall be paid by the superintendents of the said Indians, and charged to the account of the Brothertown Indians.

XXXVI. *And be it further enacted*, That if any person shall be convicted of any trespass or offence against any hy-law to be made, as hereinafter mentioned, before the said keepers of the peace, or any three or more of them, and shall not have sufficient goods or chattels to pay the damages or penalty, the keepers of the peace before whom such conviction shall be had, shall give a certificate thereof, setting forth that the defendant, (naming him) is convicted of a trespass or breach of a by-law in Brothertown, and is adjudged to pay a certain sum of money for the same to the plaintiff, (mentioning the sum and the plaintiff's name) and that the defendant has not sufficient goods and chattels in Brothertown to pay the same, and upon producing such certificate to the attorney of the Brothertown Indians, and proving before him that the same was made or given by any three or more of the said keepers, the said attorney shall issue a warrant, directed to the sheriff, or some or one of the constables of the said county, residing near Brothertown, commanding the said constable or constables to take such defendant, and convey him to the gaol of the said county, and there deliver him to the said sheriff, and commanding the said sheriff to receive him into the said gaol, and safely keep him there for the space of thirty days, unless he shall sooner pay the said sum of money, together with the fees for issuing and executing the said warrant, which thirty days shall be computed from the time the defendant shall be delivered to the sheriff or gaoler; and the said sheriff and his deputies, and every constable to whom such warrant shall be directed, are hereby required to execute the same, and all expenses of executing any such warrant, and of supporting any such prisoner in gaol, shall be paid by the said attorney of the Brothertown Indians, and the same shall be repaid to him by the said superintendents out of the money belonging to the Brothertown Indians.

XXXVII. *And be it further enacted*, That it shall be lawful for the male inhabitants of Brothertown, of the age of twenty-one years and upwards, and they are hereby required to assemble together and hold town-meetings at the said school-house, on the first Tuesday of April in every year, at which meeting the senior keeper of the peace then present shall preside, and then and there to elect one town-clerk, two overseers of the poor, two marshals, and so many overseers of the highways as the majority of the inhabitants so met shall think necessary, who shall hold their respective offices for one year, and until others shall be chosen

in their places: *Provided*, That no Indian shall be eligible to perform any office in Brothertown, unless two of the superintendents shall grant a certificate under their hands, to be entered in the clerk's book, that he has not been in the practice of making an improper use of spirituous liquors for the space of one year previous to the giving of such certificate; and if any of the officers so chosen shall refuse to serve, or shall die, or remove out of town, or become incapable of serving, before the next annual town-meeting, then and in every such case, another or others shall be elected in his or their places in the manner aforesaid, at a town-meeting to be held for that purpose; and the said inhabitants of Brothertown are hereby authorised, at their annual town-meeting, or at any other town-meeting to be held for that purpose from time to time, to make and establish such regulations and by-laws as the majority of them so met may think necessary and convenient, for the better relief of the poor, and for binding out children whose parents are dead or absent, and for ascertaining what bridges, and what part of any highway each of the overseers of the highways shall have the care of, and which of the inhabitants shall be obliged to work on the highways, and how many days each of them shall work thereon; and for ascertaining the sufficiency of fences, and the times, places and manner of preventing or permitting cattle, horses, sheep and swine, or any of them, to go at large; and for ascertaining damages done by trespasses, and for maintaining good order among themselves, and concerning any other matters relative to their own affairs; to impose such penalties on the offenders against such regulations and by-laws, or any of them, as the majority of the inhabitants so met shall deem proper, not exceeding five dollars for any offence, to be recovered with costs by any inhabitant of Brothertown who shall sue for the same, by action of debt before the said keepers of the peace, or any three of them, the one half of which penalty, when recovered, shall be for the use of the person who shall sue for the same, and he shall pay the other half to the overseers of the poor of Brothertown, to be by them applied for the relief of the poor; and that all such regulations and by-laws shall be entered by the town-clerk, in a book to be provided for the purpose, and shall continue in force until revoked or altered by some subsequent town-meeting; but no special town-meeting shall be held for any purpose, unless notice thereof, signed by two or more of the said keepers of the peace, be fixed upon the door of the school-house in Brothertown, at least six days before the day of holding such town-meeting.

XXXVIII. *And be it further enacted*, That the said keepers of the peace shall be commissioners of the highways in Brothertown, and they, or the majority of them, shall have power, from time to time, to alter any highway in Brothertown, and to lay out others as there may be occasion, and to direct how and when the same or any of them, or any part thereof, shall be made, mended or repaired: *Provided always*, That all highways by them laid out, shall be at least four rods wide, and they shall cause a record thereof to be entered by the town-clerk of Brothertown; and the said overseers of the highways shall cause the

Proviso as to the qualifications for office
W. v 5, 132.
§ 5

Vacancies how filled.

Town meetings may pass by-laws for relieving the poor and binding out children.

Relating to bridges and highways. Overseer of highways and working on highways. Fences. Cattle, etc. going at large.

To preserve good order, etc.

Penalties,

Not to exceed 5 dollars. How recovered.

And applied.

By-laws to be recorded by the clerk. Their duration.

Special town-meeting how called.

Commissioners of highways and their powers and duty.
K & R. v 1, 475
§ 31.

Proviso, as to breadth of highways. To be recorded.

Highways and bridges how to be repaired etc.

Damages in laying out roads to be appraised, and how.

W. v. 3, 64.

§ 1.
Right of appeal given, and to whom.

Marshals to have the like powers as constables.
R&R. v. 1, 475
§ 32
Their fees.

Recital.
W. v. 5, 62 sec. 6
W. v. 6, 244
Sess. 34, c. 171.

If George Crosley refuse to support Sarah Davis, or John Tuhie whizebeth Cognihue, then their lands to be taken away from them, etc.

The attorney to institute suits, etc.

Proviso, as to white persons being lessees

highways and bridges of which they shall be respectively chosen overseers, to be repaired and made according to the directions of the said commissioners, and shall warn the inhabitants to work thereon whenever it shall be necessary, and shall superintend and direct the same: *And further*, It shall be the duty of the keepers of the peace, or the majority of them, laying out such road, to appraise the damages sustained by the proprietor of any such land thereby, which shall be paid to such proprietor out of the annuity of the said Indians; and any person conceiving himself aggrieved by any such appraisement, may appeal therefrom to one of the superintendents and the attorney of the said Indians, whose determination shall be final in the premises.

XXXIX. *And be it further enacted*, That the marshals to be chosen in Brothertown as aforesaid, shall have the like powers and authority there as constables of other towns in this state have by law in their towns, and shall be entitled to twelve and an half cents for serving every summons, and twenty-five cents for serving every execution for any sum not exceeding two dollars and fifty cents, and at the rate of ten cents in the dollar for serving every execution for any such sum above two dollars and fifty cents.

And whereas there has been assigned to George Crosley, a Brothertown Indian, a lot of one hundred acres for the express purpose of supporting Sarah Davis, the widow of Henry Davis; and also a lot of one hundred acres to John Tuhie, for the support of Elizabeth Cognihue, the widow of Reuben Cognihue; *And whereas* the said George Crosley has neglected and refused to support the said Sarah Davis, and the said John Tuhie has neglected and refused to support the said Elizabeth Cognihue, so that the said Sarah and the said Elizabeth have become chargeable to the town of Brothertown: Therefore,

XL. *Be it further enacted*, That if the said George Crosley shall neglect or refuse to support the said Sarah Davis, or the said John Tuhie shall neglect or refuse to support the said Elizabeth Cognihue, in such manner as the said superintendents shall from time to time direct, it shall and may be lawful for the superintendents to enter on and take possession of the farm or land so assigned as aforesaid, of either of them so neglecting or refusing as aforesaid, and to lease the same to such person or persons as they shall judge proper for the support of the person for whose benefit the same was assigned; and if the said superintendents shall require the same, it shall be the duty of the attorney of the said Brothertown Indians to institute such suit or suits in the name of the Brothertown Indians, as may in the opinion of the superintendents be necessary to carry the foregoing provision into effect: *Provided always*, That in case the aforesaid farms, or either of them, shall be leased by the superintendents, or any other lands in Brothertown heretofore authorised to be leased by this act, such leases shall not be construed to admit the lessees of such land, or their families being white persons, to reside in Brothertown, and an article for the purpose shall be inserted in the lease or leases hereafter to be made.

XLI. *And be it further enacted,* That it shall be the duty of the superintendents, to be appointed in pursuance of this act, annually to furnish the said peace-makers, with the account of their expenditures, audited by the comptroller, and the state of the funds belonging to the Brothertown Indians; and the said superintendents shall, from time to time, render an account to the person administering the government of this state, of the monies remaining in their hands, of the annuity of the Brothertown Indians, over and above their expenditures, authorised by law to the use of the said Indians.

Accounts to be furnished by the superintendent to the peace-makers.
W. v. 5. 363 sec. 7, 8
And to the Governor

XLII. *And be it further enacted,* That the said keepers of the peace shall be guardians of the persons and property of all infants in the said town, who shall not have any parents there to take care of them; and the said keepers shall distribute the personal property of such Indian as shall die intestate, according to the laws of this state, relative to the distribution of the personal estate of any citizen, subject to an appeal to such superintendents and attorney, in case any person shall conceive himself aggrieved by such distribution, and such keepers shall be entitled to such compensation, for their services under this section, as the said superintendents and attorney shall deem reasonable, payable annually, out of the annuity allowed to the said Indians: *And further,* The said superintendents shall supply the said town-clerk with such books and papers as may be necessary for the execution of the duties enjoined on him by this act, and such clerk shall receive annually for his services, such sum as the said superintendents shall deem adequate.

Peace-makers to be guardians of orphan children.
K. & R. v. 1. 476 sec. 36.
W v 3. 65, sec. 2, 3, 4
W v 4. 601, 2, sec. 1

Compensation to peace-makers

Superintendents to furnish the clerk with books, etc.
And his salary

XLIII. *And be it further enacted,* That the buildings erected in the villages of the Tuscarora and Seneca tribes of Indians, for public and religious worship, and for education, shall continue as such for the said purposes: *And further,* The said Senecas and the other Indians of the six nations, may pass and repass free of toll and ferriage, at all seasonable times of the day, on any turnpike road which shall have been established since the sixth day of April, one thousand eight hundred and three, or which may hereafter be established, leading from or through the town of Canandaigua to Buffaloe creek, or its vicinity, and over any toll-bridge between those places, and also at the ferry across the Niagara river, at or near Black Rock, or at such other place or places in its vicinity where any ferry shall have been established since the time aforesaid, or hereafter to be established.

Buildings in the villages of the Tuscarora and Seneca tribes for public worship, and education to remain
W v 3. 63, 64, 368, 369
The Indians of the Six Nations may pass every turnpike and ferry free, etc.

XLIV. *And be it further enacted,* That an agent for the Onondaga tribe of Indians, shall from time to time, be appointed by the legislature, during their pleasure, whose duty it shall be to advise and direct the said tribe in controversies among themselves, or with other persons, to cause all actions instituted against any of the said tribe, by any white person to be defended, and all actions he may think necessary to commence and prosecute on their behalf, and any trespasses committed by any white person on the lands now possessed by the said Indians, and called the Onondaga reservation, shall be sued for in the name of the people of this state, and the damages recovered shall be distributed among the said Indians as he shall think just; and the

An agent for the Onondaga Indians to be appointed.
W v 3. 604, sec. 1
Sess. 34, ch. 79 sec. 2, 3, 4
His duties, etc.

Present agent to continue, etc. present agent of the said Indians shall continue in such office till the further pleasure of the legislature, and any vacancy in the said office during the recess of the legislature shall be filled

Vacancy how filled. Agent's salary by the person administering the government of this state, until the legislature shall make a new appointment: *And further*, Such agent shall receive fifty dollars for his services, payable annually, out of any monies in the treasury not otherwise appropriated.

Lease to Ephraim Webster confirmed W. v. s. 224 sec. 3

XLV. *And be it further enacted*, That the lease made by the said Indians to Ephraim Webster, for a quantity of land, not exceeding three hundred acres, from their reservation lands, for the term of twenty-one years from the date thereof, and on the conditions therein contained, shall be and the same is hereby confirmed.

Conveyances by Indian patentees for military services, or their heirs to be submitted to surveyor-general, and his duty thereupon.

XLVI. *And be it further enacted*, That whenever any legal conveyance shall be submitted to the surveyor-general for his approbation, executed by any Indian patentee of lands granted for military services in the revolutionary war, or by the heirs of such patentee, it shall be his duty to ascertain that such conveyance has been obtained fairly and for a competent consideration, and that such consideration has been paid or secured to be paid to such grantors, their heirs, executors, administrators or assigns, before he shall indorse his approbation thereon in the manner required by law; but nothing contained in this section shall affect or prejudice conveyances made before the seventh day of March, one thousand eight hundred and nine.

Proviso Sess. 33, c. 25, sec. 1, 2

Certain sales by the superintendents of the New-Stockbridge Indians confirmed. Sess. 34, ch. 171, sec. 1, 2 And also the mortgages. Comptroller to pay certain monies to said superintendents.

XLVII. *And be it further enacted*, That the sales made by the superintendents of the New-Stockbridge Indians, by virtue of any law of this state, of certain lands belonging to such Indians, and the mortgages taken to secure the purchase money, and deposited in the comptroller's office, be and the same are hereby confirmed: *And further*, The said comptroller shall draw his warrant on the treasurer for the payment of the interest due on such mortgages on the first day of January in each year, as the same shall become due, in favor of the said superintendents, to be applied by them for the use and benefit of the said Indians, and to account for the same as the law directs.

The 3200 acres purchased of the Cayuga Indians to be allotted and sold. W. v. s. 5. 88. sec. 3, 4, 5

And also the land ceded to the state by the christian party of the Oneida Indians. Sess. 33, c. 154, sec. 1, 2, 5

Proviso—no pre-emption allowed. W. v. s. 485 § 7

XLVIII. *And be it further enacted*, That the commissioners of the land office shall allot in such manner as the surveyor-general shall judge best calculated to command the highest price, the three thousand two hundred acres, purchased of the Cayuga nation of Indians, and the monies arising from the sales of the said land shall be paid into the treasury: *And further*, The surveyor-general shall cause to be surveyed and sold the lands ceded to this state by the christian party of the Oneida nation of Indians, in like manner as other unappropriated lands are directed to be laid out and sold, and the proceeds shall be paid into the treasury, and in like manner the surveyor-general shall allot and cause to be sold the land lately purchased from the christian party of the Oneida nation of Indians: *Provided*, No allowance or pre-emption shall be made on account of any settlement made on the last mentioned lands, or on the lands purchased of the pagan party of the Oneida Indians, by any persons whatever, and he shall

be at liberty to sell lots adjoining each other, any former law to the contrary notwithstanding: *And further*, Alexander Rea is discharged from all demands against him by this state on account of a lease made to him of the ferry at Black Rock, which lease is declared to be void.

Alexander Rea discharged of all demands by the state, etc.
W. v. 5, § 9

XLIX. *And be it further enacted*, That the grants made or directed to be made to Angel D. Ferriere, Zaccheus P. Gillett, Zaccheus G. Gillett, Dolly Denney, Joseph Forbes, Lewis Denny, Lewis Denny, junior, Martin Denny, Jonathan Denny, Abraham Van Eps, John Hamaston, Cornelius Dockstader, Abraham H. Young, William Grant, George Harp, Jasper Parish and Horatio Jones, pursuant to any stipulations in any treaties between this state and any tribe or nations of Indians or otherwise be and the same are hereby respectively confirmed, subject however, to such restrictions and conditions as shall have been imposed at the time of the making such grants or either of them: *And further*, That the treasurer shall annually pay on the warrant of the comptroller, the amount of the rents reserved in the leases for lands granted to John Gregg, senior, John Gregg, junior, and to James Alexander, situated in New-Stockbridge, although such rents may not have been received into the treasury, which rents shall be paid to such school-master or school-masters in such sum or sums as shall be certified by the peace-makers of New-Stockbridge, and their missionary, if any they shall have, to be due to such school-master or school-masters for his or their services, in instructing Indian children in New-Stockbridge, by previous agreement made with such school-master or school-masters by the said peace-makers; and the prices of the wheat reserved in the leases aforesaid, shall be estimated at one dollar per bushel, if the said Indians shall agree to receive the same, and which agreement shall be endorsed on the back of the leases by the sachems or chiefs of the said Indians, and the counterparts of such leases shall be lodged in the comptroller's office, and shall contain a covenant for the payment of the rents reserved, and a recovery thereof by distress and sale, and also shall contain a clause of re-entry after sixty days from the time such rents shall become due and payable, and the comptroller shall cause such re-entry and distress to be made when necessary; and in case a re-entry be made, the lands so re-entered shall be held by this state in trust for maintaining a school or schools for the instruction of Indian children in New-Stockbridge.

Certain grants to Angel D. Ferriere and others confirmed.
W. v. 5, § 89, 484—1b. v. 3, 168, 377, 170
Sess. 34, c. 154, § 23—1b. 34, c. 191

Certain money to be paid for rents reserved in leases to John Gregg, senior, and others.

To school-masters.

By previous agreement with them.
W. v. 3, 477, sec. 2, 3—1b. v. 4, 61

Covenant in leases.

Re-entry and distress.

Lands re-entered how held.

L. *And be it further enacted*, That that part of the lands lying between the Oneida creek and the Two Mile Tract formerly belonging to the christian party of the Oneida Indians, to the east of the place called the Oneida castle, shall remain to be disposed of as the legislature shall hereafter direct.

Certain land between Oneida creek and the 2 Mile Tract to remain, etc.
W. v. 5, 488

LI. *And be it further enacted*, That it shall and may be lawful for the superintendent of the Brothertown Indians, by and with the consent of the said Indians, to lease the grist-mill in said town, on such terms and conditions as shall appear most beneficial to the said Indians, for a term not exceeding fourteen years, the rents and profits thereof to be appropriated for the use of the said Indians.

Grist-mill in Brothertown may be leased and how.
Sess. 34, c. 189 sec. 2

Gov. may contract for the purchase of all or any of the lands held by the Indians.

W. v 6, 593
Sess. 36, c 239
§ 20

LII. And be it further enacted, That it shall and may be lawful for the governor, for the time being, to make any contract and contracts with any nation or tribe of Indians within this state for the purchase of all or any of their lands therein, and that the treasurer, on the warrant of the comptroller, shall pay such sums as may be necessary in the first instance to defray the expense of and to carry into effect all and every treaty for the purchase of such lands or any part thereof.

Shinecock tribe may hold annual town-meetings.
K&R. v 1
476 § 37

And elect trustees; Who with consent of 3 justices may lease lands, etc.

Lay out and appropriate land to individual Indians And where fire-wood and timber may be cut. Clerk to preside at town-meetings, etc.

If persons occupy land without such consent liable to a penalty,

And how liable for trespasses on land

Penalty how recovered and applied.

Land held in trust for Peter Osequette to continue to be so held.
K&R. v 1
477. sec 38

And his issue may occupy the same.

And how it may be leased out.

LIII. And be it further enacted, That it shall be lawful for the male Indians above the age of twenty-one years, belonging to the Shinecock tribe in Suffolk county, to meet together on the first Tuesday of April in every year, at the place for holding town-meetings in the town of Southampton, and by plurality of voices annually to elect three persons belonging to the said tribe as trustees, who, by and with the consent of three justices of the peace residing next to the lands of the said tribe, are hereby authorised and empowered from time to time to lease out so much of the said lands as they shall judge proper for the benefit of the said tribe and for any term not exceeding three years, and to lay out and appropriate such quantity of the said lands to each individual or family of the said tribe as they shall judge proper and necessary for his or their improvement, and also to order and direct on what part of the said lands fire-wood and timber may be cut by the said tribe for their use; and it shall be the duty of the clerk of the said town annually to attend and preside at such meeting of the said Indians, and to enter in a book by him to be kept for that purpose, the names of the trustees to be chosen as aforesaid, and the proceedings of such trustees and justices; and if any person shall occupy or use any of the said lands without the consent of a majority of the said trustees, and of a majority of such justices first obtained and entered in the said book, such person shall forfeit the sum of five dollars for every acre so used or occupied; and if any person belonging to the said tribe shall cut any wood or timber on the said lands without such order and consent of the said trustees and justices first entered in the said book, such person shall forfeit the sum of ten dollars for each offence, which penalties shall be sued for and recovered by such justices in their own names in any court having cognizance thereof with costs of suit, for the use of the said tribe.

LIV. And be it further enacted, That the lands situate in the county of Oneida, and heretofore granted to the secretary, the treasurer and the attorney-general, of this state, and their successors in office, in trust for Peter Osequette, and his posterity, shall continue to be held by them in trust as aforesaid, and they shall permit the issue of the said Peter Osequette, who is now deceased, during their natural lives, and as long as any issue shall remain, to occupy and improve for their benefit so much of the said lands, not already let out or leased by them to any other person as the said trustees shall from time to time think necessary for that purpose; and it shall be lawful for the said trustees from time to time to let out or lease any part of the said lands which shall be unoccupied or unimproved as aforesaid, to any other persons upon such terms and conditions, and for such time,

not exceeding twenty-one years, or three lives, as the said trustees may think proper: *Provided however*, That it shall not be lawful for the said trustees to make any lease in reversion of any part of the said lands, and the rent due or to become due upon any such lease already made or hereafter to be made, shall be paid into the treasury of this state, and upon the warrant of the comptroller shall, by the treasurer, be paid to the district attorney for the district in which the children or issue of the said Peter Otsequette resides, to be by him from time to time applied to the support and education of the said children or issue in such manner as shall appear to be most for their benefit; and the said district attorney shall once in every year account to the comptroller, for the expenditure of all monies paid to him as aforesaid.

Proviso, as to leases in reversion.

Rents to be paid into the treasury.

And how applied.

And account- ed for.

LV. *And be it further enacted*, That the heirs of each of the Indians to whom land has been granted by this state for military services, in the late war between the United States and Great-Britain shall be and hereby are made capable of taking and holding any such lands by descent, in the same manner as if such heirs were citizens of this state, at the death of his, her or their ancestors; and that every conveyance hereafter to be executed by such patentee, or his heirs, to any citizen of this state for any such land shall be valid if executed with the approbation of the surveyor-general of this state, to be expressed by an endorsement on such conveyance, and signed by the said surveyor-general: *Provided*, That nothing in this act shall in any manner confirm any deed or conveyance heretofore executed, by the patentee or his heirs: *Provided further*, That if any such land be now occupied or improved, the occupant, his or her heirs or assigns, shall be entitled to be paid for his, her or their improvements, in the manner mentioned in the second section of an act, entitled "an act concerning lands in the military tract," passed the eighth day of April, one thousand eight hundred and thirteen.

Heirs of Indian patentees for military services, capable of taking by descent. Sess 32. c 63.

And deeds by patentee or his heirs where valid.

Proviso, as to former deeds.

Further proviso, as to occupants being entitled to improvements under a certain act.

CHAP. CXIX.—(R.L.)

*An ACT concerning Quit Rents.**

Passed April 12th, 1813.

[Br. ed. 44.—S.&L. v. 1, 47, 56.—Ibid. v. 2. 237, 256.—V. S. v. 1. 46, 56, 404 to 408.—J & V. v. 1. 250.—Ibid. v. 2. 139, 454.—Gr. v. 1. 210, 432.—Ibid. v. 2. 84, 375.—Ibid. v. 3. 70.—K.&R. v. 1. 605.—W. v. 5. 514. sess. 35. c. 214.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all quit rents shall be paid in the current money of this state, and that where any quit rents shall have been reserved in sterling money, the same shall be

Quit rents to be paid in current money.

K.&R. v. 1. 605 § 1. 33 H. 3. c. 39.

[*Quit rents, so called, were rents reserved under patents from the colonial government, and by our separation from Great-Britain became payable to the state. Smith's Hist. N. York, 236. The first law of the state relative to their commutation and collection, was passed April 1, 1786.—J.&V. v. 1. 250.]

computed at the rate of four dollars thirty-seven and a half cents for one pound sterling, and where any quit rents shall have been reserved in proclamation money, the same shall be computed as current money of this state, and where any quit rents shall have been reserved in kind, and the value thereof not ascertained in money, the same shall be estimated as they appear to be charged in the accounts of the receiver general of the late colony, now state of New-York, and if the same shall not appear therein, or such accounts cannot be found, it shall be lawful for the comptroller of this state to settle the amount of such quit rents as to him shall appear to be equitable.

Quit rents during a certain period remitted to citizens.
K&R. v. 1.
606. sec. 2.

and also remitted on forfeited estates.

II. *And be it further enacted*, That all quit rents which accrued between the twenty-ninth day of September, in the year one thousand seven hundred and seventy-five, and the twenty-ninth day of September, in the year one thousand seven hundred and eighty-three, and which are due from citizens of this state or of the United States, shall be, and hereby are remitted; and that no purchaser of any lands heretofore forfeited to the people of this state, and claiming under the said people by virtue of such forfeiture, shall be liable to pay any quit rents for the same, but such quit rents and all arrearages thereof, are hereby also remitted.

Quit rents may be commuted and how.
K&R. v. 1.
607. sec. 4.

III. *And be it further enacted*, That it shall be lawful for any persons who now are, or hereafter may be, seized of any lands, tenements or hereditaments, as contained in any original grant for the same, charged with an annual quit rent, to commute for the same, by paying to the treasurer of this state, for the use of this state, one dollar and fifty cents, for every twelve and a half cents of such annual quit rent, either in money or in any of the stock created under the authority of the United States of America, at the nominal value thereof, and the treasurer shall give the person making such payment a receipt or certificate expressing the sum paid and the annual quit rent, in lieu or discharge of which the same is paid, and describing the lands, tenements, or hereditaments, on which the same annual quit rent was charged, and the date of the grant, reserving the same, which receipt or certificate shall be produced by the person making such payment to the comptroller, who shall countersign, and then enter the same in a book to be kept in his office, and the said receipt or certificate being so countersigned and entered, or the entry thereof, shall be a good discharge of such quit rent for ever.

Owners of lands divided may commute in certain cases, and how.
K&R. v. 1.
607. sec. 5.

IV. *And be it further enacted*, That where any tract of land, chargeable with quit rent, was originally granted to several persons, and shall have been divided into as many shares as there were originally proprietors in the grant, and where the quit rent reserved by any grant or patent of any tract of land, is according to the quantity or by the acre, it shall be lawful for the owners or proprietors of any such share or divided part, to commute for the quit rent thereof in manner aforesaid, and also to pay the arrears of quit rent which may be due thereon, but no person shall be permitted to commute for the quit rent on any patent, or

Arrears of quit rents first to be paid.

on any part thereof, without first paying the arrears of quit rent then due thereon.

V. *And be it further enacted*, That where there are or may be several owners or proprietors of any tract of land chargeable with quit rents, whether the same is or shall be situated in one town, or in several towns or counties, it shall be lawful for any three or more of such owners or proprietors, whenever there shall be more than one year's quit rent due on such tract, to put up an advertisement at some public place on the said land, notifying and requiring all the owners and proprietors of lands in such patent, chargeable with quit rents, to meet at a certain time and place, therein to be specified, not less than twenty, nor more than forty days from the time of setting up such advertisement, to raise and pay the arrears of quit rent then due for such tract, and such of the owners and proprietors of the said land chargeable with quit rent, as shall then meet, may proceed to choose, by plurality of voices, two assessors and one collector for the purpose, and the assessor so chosen shall procure, from the comptroller of this state, an account of the arrears of quit rent due for such patent, with an account of the charges of advertisement, if any, and an account of the quantity of land in such patent, if any, on which the quit rent is remitted or discharged by commutation, and shall then proceed to make an assessment roll, containing the names of the owners or proprietors of the land in the said patent chargeable with quit rent, and the quantity of land to which they are respectively entitled, and the sum with which each of them is chargeable of such arrears, according to the quantity of acres which every such person may be entitled to in the same patent or tract, with an addition of six per cent. for charges, and mentioning the quantity of land, if any, in such patent sold by the commissioners of forfeitures which is not chargeable with quit rent, and subscribe their names to the said assessment roll, and annex the account received from the comptroller to it, and within sixty days from the time they were chosen, deliver the same to the collector so chosen as aforesaid, who shall collect, from the respective persons named in such assessment roll, the several sums they shall be respectively charged with, in the same manner as the collectors of public taxes are or shall be empowered to do by law, and shall, within six months after he receives such assessment roll, pay the sums by him received or collected thereon for quit rents to the treasurer of this state, and deliver the said assessment roll to the treasurer, with a certificate thereon, signed by such collector, if the whole sum therein mentioned is not paid, setting forth which of the persons therein named are delinquents, and the reason the sums they are respectively charged with could not be levied; and such collector shall also pay one per cent. of such part of the six per cent. so added as aforesaid, as he shall collect to the assessors for their trouble, and retain the residue as a compensation for his services, and the treasurer shall deliver such assessment roll to the comptroller, in order that the patent may be credited with the sum paid for quit rent, and proper measures taken to compel payment of the arrears from the delinquents.

Where there are several owners, how the quit rents to be assessed and levied.
K&R. v. 1. 607 § 6.

Owners to meet.

To choose assessors and a collector.

Assessment roll to be signed, and delivered to the collector.

His duty;

To be returned to the treasurer, and how.

Compensation to assessors and collector,

and credit to be given on the patent for the sums paid.

A person may be appointed by comptroller to distrain for quit rents due on any divided tract.
K. & R. v. 608, sec. 7.

VI. *And be it further enacted,* That it shall be lawful for the comptroller of this state, from time to time, by warrant under his hand and seal of office, to appoint and authorize any proper person to distrain for the quit rent due, or hereafter to become due, upon any divided part of any grant or patent, or any tract or parcel of any land contained therein; and every such person so appointed shall be considered as the proper officer for that purpose; but no distress shall be made by virtue of this act upon any lot or divided part of any tract of land for any arrears of quit rent due for any other part of the said patent or tract of land.

When 3 years quit rent due notice of sale to be given, by whom and how, if arrears are not paid.
K. & R. v. 609, § 6.

VII. *And be it further enacted,* That whenever there shall be three years quit rent due upon any grant or patent for lands in this state, or upon any lands contained in such grant or patent, it shall be lawful for the comptroller of this state, and he is hereby required to give notice in two or more of the public newspapers printed in this state, one of which shall be printed by the printer to this state, which notice shall be so continued for three months at the least, that if the owners or proprietors of such lands do not within twelve months after the date of such notice, pay the arrears of quit rent due for such lands, with the charge of such notices, to the treasurer of this state, then so much of the said lands will be sold at public vendue as will pay the same, with the charges of such notices and sale; and such notice shall express to whom the grant or patent was originally made, the date thereof, and the sum due thereby to the last day of payment preceding such notice, as far as the same does appear from accounts of quit rents in the books kept in the office of the said comptroller: And upon the failure of payment of the said quit rent and charges of such notices, it shall be lawful for the comptroller of this state, and he is hereby required to apply to the junior justice of the supreme court, who is hereby authorized and required to cause an advertisement to be published in the newspaper printed by the printer to this state, and in one of the public newspapers printed in the city of New-York, notifying all persons interested in such lands to appear before him on such day, and at such place as he shall therein appoint, not less than thirty, nor more than forty days thereafter, to shew cause, if any they have, why so much of the said lands should not be sold as will satisfy and pay the said quit rent with the charge of such notices; and in case no person shall appear at the time and place so appointed either in person or by attorney, or if any person shall appear at such time and place the said justice shall hear the parties so appearing in a summary way, and shall thereupon certify under his hand the sum due for quit rent on the said lands, together with the charges of the said notices, which certificate shall be filed in the office of the comptroller, and the comptroller shall as soon thereafter as conveniently may be, advertise such lands for sale at public auction, at the capitol, in the city of Albany, which advertisement shall be published once in each week for ten weeks previous to such sale in the newspaper printed by the printer to this state, and in one of the newspapers printed in the city of New-York, and in one other such newspaper as the comp-

On failure how to proceed.

Duty of the junior justice of the supreme court.

troller shall direct, and on the day appointed for such sale, the comptroller shall commence the sale of so much of the said land as will pay the sum due on such land, together with the charges of such advertisements and sale, and such sale may be continued from day to day as the comptroller shall deem necessary, and the comptroller shall execute to the purchaser or purchasers a conveyance of the land so purchased, and such conveyance shall be conclusive evidence that such sale was regular and in pursuance of this act.

Comptroller to sell the land.

VIII. *And be it further enacted*, That if it shall appear to the comptroller that any payments of quit rents or certificates given for the remission of quit rent in pursuance of any former law of this state shall have been credited by mistake to the wrong patent or lot, or that such certificates although duly obtained, have not been delivered to the late auditor, or on account of any mistakes therein as to the date of the patent, the names of the patentees, or the number of the lots, have not been entered by the said auditor, it shall be the duty of the comptroller on discovering the same, to rectify all such mistakes and receive all such certificates not delivered as aforesaid, and to file and enter the same, and also such other certificates as have not been so entered as aforesaid, which shall be as effectual as if the same had been entered in due time by the said auditor; and that no credit so given by mistake shall operate to discharge any lands from the quit rents justly due thereon.

Mistakes relative to payment of quit rents, how corrected. K & R. v 1 611. § 12

IX. *And be it further enacted*, That it shall be lawful for the comptroller whenever payments have or shall be made for quit rents or commutation by mistake, to rectify such mistakes, and to draw his warrants on the treasurer for any sums of money which shall appear to have been overpaid.

And certain other mistakes as to payments to be corrected. K and R v 1 612, sec 13

X. *And be it further enacted*, That whenever and as often as the comptroller shall give the notice required in and by the seventh section of this act, he shall at the same time publish the names of all persons who shall from the books and accounts in his office appear to have made payments or to have obtained remission of quit rents without any specification being entered on his books of the property on which such payments were made or such remissions granted, and to require all such persons and all others having any interest therein, to produce at his office within twelve months from the date of the said notice, their receipts and certificates of payments and remissions, with particular specification of the lands on which the said payments were intended to be made and the said remissions granted, in order that the comptroller may be enabled to give the necessary credits to the lands on which payments were made or remissions granted for such payments and remissions, and if failure shall be made in producing the receipts, certificates and specifications aforesaid, the lands on which all such payments as aforesaid were intended to be made or remissions granted, shall be subject to sale in like manner as if no quit rents had ever been paid, or intended to be paid thereon, or remissions of quit rents granted.

Comptroller to notify persons having made payments, etc to produce the vouchers

So that the proper credits may be given

XI. *And be it further enacted*, That it shall be lawful for the comptroller to draw warrants on the treasurer to defray the expenses attending the execution of this act.

Expenses attending this act how to be paid K and R v 1 612 § 14

Statute of
limitations,
when to ap-
ply to quit-
rents
K and R v 1
612, sec 15

XII. *And be it further enacted*, That the act, entitled "an act for the limitation of criminal prosecutions and of actions at law," shall not take effect or be in force as to quit-rents, or any proceeding for the recovery of the arrears thereof, until the first day of January, which will be in the year of our lord one thousand eight hundred and twenty.

Owners of for-
feited lands
within a cer-
tain time to
produce proof
that lands
were for-
feited or be
liable to all
costs
W v 5, 514
Sess 32, c 157
sec 7
Sess 35, c 234
sec 2

XIII. *And be it further enacted*, That it shall be the duty of all persons owning lands heretofore forfeited to the people of this state, to exhibit satisfactory proof to the comptroller within two years from the nineteenth day of June, one thousand eight hundred and twelve, that their lands were so forfeited in order that the quit-rents charged thereon may be cancelled and discharged, and if any such person owning lands so forfeited shall neglect to produce such proof within the said period, he shall be liable for the costs that may be made in advertising the said lands for the non-payment of the quit-rents appearing due thereon, and for all other costs that may have accrued in enforcing the payment or collection of such quit-rents, until the time of producing such satisfactory proof as aforesaid; and no sale shall be made of any such lands for non-payment of quit-rent if before the same, such satisfactory proof as aforesaid shall be made and produced as aforesaid: *Provided always*, That the said comptroller shall not until the expiration of one year from the said nineteenth day of June, so far as may regard any patent on which payments were made or remission granted as is specified in this act, without a specification of the lands on which such payments were made or remission granted, publish the notice required by this act.

Proviso

Future quit-
rents may be
commuted

Rate of com-
mutation

XIV. *And be it further enacted*, That it shall and may be lawful for the owner of such land to commute for the annual quit-rent which may hereafter grow due thereon, by paying into the treasury of this state one dollar and twenty-five cents, for every twelve and an half cents of such quit-rent; which payment shall entitle such owner to a like receipt and certificate as is directed to be given by the third section of this act.

Before whom
certain proof
may be taken,
and where fil-
ed.

False swear-
ing declared
perjury

XV. *And be it further enacted*, That the affidavit containing such oath or affirmation to be taken as aforesaid, shall and may be taken before a master in chancery or any judge of the court of common pleas residing in the county where such lands are situated, and shall be filed in the office of the comptroller; and if any person shall swear falsely or corruptly in such affidavit or affirmation, and shall be convicted thereof, such person shall be deemed guilty of wilful and corrupt perjury.

One half of
arrears of
quit-rents on
farms not ex-
ceeding 150
acres, etc. re-
mitted under
certain cir-
cumstances.

Proviso.

XVI. *And be it further enacted*, That one half of all arrears of quit rents upon any farm not exceeding one hundred and fifty acres, whereon no settlement or improvement was made before the first day of January, in the year one thousand seven hundred and eighty-one, and which has since that time and before the passing of this act, been bona fide purchased and actually settled and improved, shall be and hereby are remitted: *Provided*, That the owner of such farm shall, before it be sold, in pursuance of this act, pay the other half or such arrears of quit rents into the treasury of this state, and commute for the quit rent thereafter to grow due thereon by paying one dollar and fifty cents for every twelve

and an half cents of the said quit-rent, and shall also pay such costs as may have been made in pursuance of this act, for the collection of such quit-rents.

XVII. *And be it further enacted*, That whenever it shall be satisfactorily proved to the comptroller by the oath or affirmation in writing of the supervisor and town-clerk, or of any two assessors of any town in any county in this state, that any tract or parcel of land situate in such town upon which any quit rents may be due and in arrear, is uncultivated, and that the value thereof doth not exceed the sum of two dollars an acre, then it shall and may be lawful for the comptroller to remit to the owner or proprietor of such land the one fourth part of the quit-rents which may be due and in arrear upon the said lands: *Provided*, That the remaining part of such arrears be paid into the treasury of this state before such lands shall be sold in pursuance of this act: *And provided also*, That such lands are owned by a citizen of this state.

One fourth part of quit-rents remitted on certain uncultivated lands not exceeding a certain value.

Proviso

CHAP. LXX.—(R.L.)

An ACT to Regulate Sales by Public Auction, and to Prevent Stock-Jobbing.

Passed April 6, 1813.

[V. S. w. 1. 426.—Ibid. v. 2. 636, 645, 774.—J.&V. v. 1. 97, 225.—Gr. v. 1. 64, 186.—K.&R. v. 1. 408.—W. v. 4. 419.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all goods, wares, merchandizes and effects whatsoever, which shall at any time hereafter be exposed to sale at public auction or vendue within this state, by any auctioneer or other person duly appointed and authorised as is hereinafter directed, shall be struck off to the highest bidder, and shall be subject, if the auction or vendue be in the city of New-York, to the following duties, to wit: all goods, wares, merchandizes and effects whatsoever, of the growth or produce or imported from the East-Indies, and which shall be sold in packages, bales, trunks or casks, as the same were imported, and all goods, wares, merchandize and effects, the growth or produce of the United States or their territories, one dollar and fifty cents for every hundred dollars of the value at which the same shall be sold, and at and after the same rate for any greater or less sum; all goods, wares, merchandizes and effects whatsoever imported from the West-Indies, being the growth or produce thereof, and which shall be sold in packages, bales, casks or boxes, as the same were imported, and for all wines and ardent spirits, from whatever place the same may be imported, if sold in casks or vessels as the same were imported, two dollars for every hundred dollars of the value for which the same shall be sold; and for all other goods, wares, merchandizes and effects whatsoever, if sold in the city of New-York, three dollars for every hundred dollars of the value for which the same shall be sold, and two dollars if sold in any other city or county within this state, and at and after the same rate for

Goods sold at public auction to be struck off to the highest bidder K.&R. v. 1. 408 § 1—W. v. 3, 474—Sess 27, c 65 W. v 4, 419, Sess 29, c 81 1 John. Rep. 481—3 John. ca. 29 W. v 4, 438 Sess 32, c 5 17 Geo. 3, c 50 19 Geo. 3, c 25, 56—21 Geo. 3, c 17—22 Geo. 3, c 66—32 Geo. 3, c 11, 41—27 Geo. 3, c 13—29 Geo. 3, c 63—30 Geo. 3, c 26—37 Geo. 3, c 14—38 Geo. 3, c 54—41 Geo. 3, c 10, 28—46 Geo. 3, c 43 Cowp. 395—2 Bro. C.R. 326 3 D.&E. 148 1 Fonbl. Eq. 215

If in another city or county,

any greater or less sum, to be paid by the person who shall so sell the same; and in all cases where the auctioneer or the owner of such goods so exposed to sale, or any person employed by them, or either of them, shall be the highest bidder, the said goods shall be subject to the payment of the same duties as if they had been sold to any other person.

Auctioneers to be annually appointed.
K.&R. v. 1. 408
§ 2
W v 3 228
Sess. 26 c 62

II. *And be it further enacted*, That the person administering the government of this state, by and with the advice and consent of the Council of Appointment, shall annually appoint so many persons within this state to be auctioneers as they shall judge proper: *Provided always*, That the number to be appointed in and for the city of New-York shall not at any one time exceed thirty-six.

Persons selling at vendue contrary to this act punishable by fine or imprisonment.
W v. 5. 292
Sess. 31 c 80

Punishment

III. *And be it further enacted*, That if any person or persons not appointed and authorised in the manner by this act directed, nor by or under the authority of the United States, shall sell or attempt to sell any goods, wares, merchandize or effects whatsoever, by way of public auction or vendue, within this state, he shall be considered guilty of a misdemeanor, and shall, on conviction, be fined in a sum not exceeding two hundred and fifty dollars, or imprisoned for a time not exceeding three months, or both, in the discretion of the court before whom such conviction takes place.

Auctioneers to enter into a recognizance.
K.&R. v. 1. 408. § 3

Amount of recognizance

Before whom to be taken

How to be disposed of

IV. *And be it further enacted*, That no person, so to be appointed an auctioneer by virtue of this act, shall enter upon the execution of his office until he shall have entered into a recognizance to the people of this state, with two sufficient freeholders as sureties, in the sum of five thousand dollars, conditioned for the payment of the duty herein before mentioned to the treasurer of this state, and also that such person shall in all things well, truly and faithfully behave and conform himself according to the true intent and meaning of this act, which recognizance in the city and county of New-York, and in the cities of Albany and Hudson, shall be taken by the mayor or recorder of the said cities respectively, and in the counties of Albany and Columbia and the other counties of this state by any judge of the court of common pleas for such county, and duplicates shall be made of the record of every such recognizance by the person taking the same, one whereof shall be delivered as soon as conveniently may be to the comptroller of this state, and the other shall be retained by the person taking the recognizance, and every auctioneer who shall sell any goods, wares, merchandize or effects by way of public auction or vendue, without having entered into the recognizance aforesaid, shall forfeit the sum of one hundred and twenty-five dollars for each article so exposed to sale, to be sued for by the attorney-general in the name and for the use of the people of this state, in any court of record having cognizance thereof.

Auctioneers in New-York to render account of goods sold every 3 months to the mayor.
K.&R. v 1. 408
§ 4

V. *And be it further enacted*, That every auctioneer duly appointed and authorized by virtue of this act in and for the city of New-York, who shall sell any goods, wares, merchandize or effects at public auction or vendue, shall, within twenty days after the expiration of every three months, the first three months to

be computed from the date of his recognizance as aforesaid, render a just and true account in writing, subscribed by him, to the mayor of the said city, of all goods, wares, merchandize or effects by him sold as aforesaid, from the time of his entering into the recognizance aforesaid, or the time that the last account by him was rendered as aforesaid, the amount of each day's sale, and the days when the same were respectively sold, distinguishing also the East and West-India goods sold, and goods of the growth or produce of the United States or the territories thereof, and all wines and ardent spirits, if sold in casks and vessels as the same were imported, with the amount of the sales thereof, and the duties on each kind, and shall thereupon take, before the said mayor or recorder, the following oath, or affirmation, as the case may require: "I, do solemnly and sincerely swear (or affirm) that the account now exhibited by me, and to which I have subscribed my name, contains a just and true account of all the goods, wares, merchandize and effects sold, or struck off, or bought in by me, subject to duty by law, within the time mentioned in the said account, and of the days upon which the same were respectively sold, and that I have attended such sales personally, and have examined the entries of such sales in the book kept by me for that purpose, and know this account to be, in all respects, correct." And every such auctioneer shall, within ten days after the rendering such account and taking the said oath, pay the amount of duty upon such account of sales to the bank of New-York for the use of this state, which monies shall be credited by the said bank to the treasurer of this state, and the account, with the oath endorsed and the receipt for the payment of the money to the bank shall, by the person rendering such account and making such payment be immediately transmitted to the comptroller, to be filed in his office, and the comptroller shall thereupon certify the same to the treasurer and charge him with the amount thereof; and in case no sales, on which duties are payable, shall be made, it shall be the duty of the auctioneer to make an affidavit thereof, at the time and in the manner above directed, and to transmit such affidavit to the comptroller.

Account how to be rendered
W v 3 474
Sess. 27 c 65
sec. 1, 2

And shall take an oath

Oath

And within ten days pay the duties to the bank of New-York for the use of the state, and receipt therefor, and oath to be sent to the comptroller, and if there are no sales affidavit thereof to be made by auctioneer

VI. *And be it further enacted*, That every auctioneer duly appointed and authorised by virtue of this act, in any other city or county of this state, shall, within the time before limited, render a like account to one of the judges of the court of common pleas of the county in which such auctioneer shall reside, under the like oath to be administered by such judge, and shall, within the like time thereafter, pay the amount of duty upon such account of sales to the treasurer of this state, and deliver such account, with the said oath endorsed thereon, to the comptroller of this state: *And further*, That every auctioneer to be appointed as aforesaid, if he make no sale of goods, wares, merchandize or effects, subject to duty, within the time limited for accounting as aforesaid, shall make oath of that fact before the said mayor, recorder or judge, and shall transmit a copy of such oath to the comptroller's office within the time limited for accounting in case of sales.

Auctioneers in other cities and counties to render account to a judge of the common pleas K. & R. v. 1. 408. § 5
Sess. 33. c 56.
And to take a like oath, And to pay the duties to the treasurer. And if no sale made, then to make oath thereof and transmit it to comptroller.

Comptroller
to publish the
names of delin-
quent auc-
tioneers.
K. & R. v. 1.
408: § 6.

And thereup-
on such delin-
quents forfeit
their offices,
and are dis-
qualified from
acting,
And shall also
forfeit 750
dolls. for every
offence,
To be collect-
ed by the at-
torney gene-
ral.

Goods declar-
ed free from
duty.
K. & R. v. 1.
408. sec. 8.

And may be
sold by any
citizen except
in New-York.
Goods damag-
ed at sea and
sold for own-
ers or insurers
to be sold un-
der the inspec-
tion of certain
persons to be
appointed for
the purpose,
except in N.
York.

Proviso, not
to extend to
wrecks.

Auctioneer to
have but one
house or store
for sales at
vendue.
W v 5, 291
Sess. 31, ch.
80, § 1.
And if he
have a part-

VII. *And be it further enacted*, That if any auctioneer shall neglect or refuse to render his account, or pay the money due from him to the state for the duties, according to law, or to make the oath prescribed in and by the fifth section of this act, the comptroller of this state shall in every such case certify and publish such neglect or refusal, in one or more of the public newspapers of this state, and from the time of publishing such advertisement, every such delinquent auctioneer shall be deemed to have forfeited his appointment, and shall be thereafter disqualified from acting as an auctioneer under the same; and every such person so neglecting or refusing, shall also, for every such offence, forfeit seven hundred and fifty dollars, which forfeiture the comptroller shall direct the attorney-general to cause to be sued for and recovered, in the name and for the use of the people of this state, in any court of record having cognizance thereof.

VIII. *And be it further enacted*, That all lands and tenements, and goods belonging to this state or the United States, and all goods and chattels which shall be seized by any public officer, for or on account of any forfeiture or penalty, ships and vessels, goods and effects of deceased persons, or goods distrained for rent or taken in execution, effects of insolvent debtors, utensils of husbandry, goods damaged at sea and sold for the benefit of the owners or insurers, within twenty days after the same shall be landed under the inspection of the wardens of the port of New-York, or of such inspector or inspectors as are hereinafter mentioned, horses, neat cattle, hogs, sheep, and also all articles the growth, produce or manufacture of this state, shall in no wise be subject to, but are hereby exempted and declared free from, the duty aforesaid, and may be sold by any person, being a citizen of this state, in any part of this state other than the city and county of New-York; and that goods damaged at sea, and sold for the benefit of the owners or insurers, in any other city or county than the city of New-York, shall be sold under the inspection of such person or persons as shall be thereunto appointed, in the cities of Albany and Hudson, by the mayor, or in case of his sickness or absence, the recorder of said cities respectively, and in the counties of Albany and Columbia, and the other counties of this state, by the first judge, or in case of his sickness or absence, any other judge of the court of common pleas for such county; and the said civil officers are hereby authorised and required to appoint, in each such city or county, one or more, not exceeding three, discreet persons to be inspectors of such damaged goods as aforesaid: *And provided further*, That nothing in this act contained shall extend to any sale or sales of ships, their tackle, apparel or furniture, or the cargoes thereof which shall be stranded or wrecked within this state, and sold for the benefit of the insurers or proprietors thereof.

IX. *And be it further enacted*, That no auctioneer in either of the said cities of New-York, Albany or Hudson, shall at the same time have more than one house or store for the purpose of holding an auction, and that every auctioneer in the said cities shall designate in writing such house or store, and also his partner or partners, if any engaged with him in his said business,

which said writing shall be deposited with the mayor of the said cities respectively, and that no auctioneer shall expose to sale by public auction or vendue within either of the said cities, any goods, wares, merchandize or effects whatsoever, liable to the duty aforesaid, except rum, wine, brandy, molasses, indigo, rice, coffee, cotton, sugar, cordage, tobacco, mahogany, logwood, braziletto, fustick, camwood, earthenware in crates or casks, and provision in casks, at any other place than the respective houses or stores, to be designated as is hereby directed; and if any auctioneer in either of the said cities shall enter upon the execution of his office, or shall permit any person to act in his behalf, without designating his said house or store, or his said partner or partners, if any, in the manner and form herein prescribed, or shall hold any auction at any other place than the place so designated, except for the sale of the articles herein above excepted, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in a sum not exceeding two hundred and fifty dollars; and it shall be the duty of the court before whom such conviction is had, to transmit forthwith a particular report thereof to the person administering the government of this state, who is hereby authorised, in his discretion, in the recess of the council of appointment, to inhibit the person so convicted from acting as an auctioneer, until the sense of the said council is had thereon, and the said person so inhibited is hereby directed and commanded to desist from acting as an auctioneer as long as such inhibition shall continue: *Provided always*, That the mayor, aldermen and commonalty of the said cities respectively shall be, and hereby are authorised, to designate such place or places for the sale of horses, carriages, and household furniture, as to them shall seem proper and expedient.

X. *And be it further enacted*, That all goods, wares, merchandizes or effects whatsoever, except books or prints, not prohibited by law, which shall be exposed to sale at public auction or vendue, within the said city of New-York, by any auctioneer duly authorised, according to the directions of this act, shall be so exposed to sale in open day, between sunrise and sunset, upon pain that every such auctioneer in the said city of New-York, who shall act contrary hereto, shall, for such offence, be deemed to have forfeited his appointment, and shall be thereafter disqualified from acting as an auctioneer under the same.

XI. *And be it further enacted*, That no auctioneer duly authorised as aforesaid, or any other person whomsoever, shall, at the day and place when they shall hold their public auction or vendue, sell at private sale any goods, wares, merchandize or effects, liable to the duty aforesaid, under the penalty of one thousand two hundred and fifty dollars for every such offence; and all articles sent or entrusted to an auctioneer for sale, and by him sold on commission, whether at auction or private sale, shall be liable to the duty aforesaid, and no person shall expose to sale or vendue, any goods, wares, merchandize or effects, on which a duty is laid as aforesaid, as a deputy to any auctioneer duly authorised as aforesaid, or otherwise, under the penalty of two hundred and

ner, to designate his name in writing and where deposited.
K. & R. v. 1 408 § 9
and no property, except certain articles specified, shall be sold at any other place than such house or store
W v 5, 291
Sess. 31. c 80;
sce. 1

Penalty

And on conviction the governor to inhibit auctioneer from acting, etc.

Proviso as to the common councils of the said cities

Auctions in N. Y. to be held in open day, etc.
K. & R. v. 1. 408 § 9

Penalty, and on conviction, auctioneer to forfeit his office

No private sales to be made by auctioneer of dutiable goods during days of public auctions
K. & R. v. 1. 408 § 10
Articles so sold at private sale liable to duty, etc.

Penalty

Provid, that
auctioneer
may employ
his partner or
clerk in case
of sickness, etc
to hold such
auction, which
partner or
clerk shall
take an oath

Bell-man or
crier, when
allowed to be
employed
K. & R. v. 1
408, sec. 11

Penalty on
bell-man or
crier

No public se-
curities or
stock to be
sold at auction
K. & R. v. 1
408, sec. 12
Penalty

Auctioneers
to receive on-
ly their stated
commissions,
etc.
K. & R. v. 1
408, sec. 13

Penalty

One third part
of auction du-
ties in N. Y.
to be applied
for support
of foreign
poor, and the
residue of the
monies for the
state.

In other coun-
ties the whole
for the use of
the state

fifty dollars for each offence, which said penalties may severally be recovered by any person who will prosecute for the same in any court having cognizance thereof, by action of debt or information, the one moiety of each penalty, when so recovered, to be for the use of the people of this state, and the other moiety to the person who shall sue for the same: *Provided however*, That any auctioneer may employ his co-partner or his clerk, to hold such auction or vendue in case of his inability to attend from sickness, in which case the person so acting shall for the sale so made by him, take the oath prescribed in this act for auctioneers, and at the same time make oath that the auctioneer he represented was unable to attend for the reason aforesaid.

XII. *And be it further enacted*, That no bell-man or crier shall be employed at any auction or vendue in the city of New-York, except at the sale of such articles as by this act are allowed to be sold at other places than the residence of the respective auctioneers, and that every person acting as bell-man or crier, at any auction or vendue in the said city of New-York, except as before excepted, shall forfeit and pay for every such offence, the sum of two dollars and fifty cents, with costs of suit, to any person who will first sue for the same before any court having cognizance thereof.

XIII. *And be it further enacted*, That it shall not be lawful for any person whomsoever to sell at public auction or vendue within this state any public securities or stock created under the acts of the congress of the United States, or of any individual state, under the penalty of two hundred and fifty dollars for each offence, to be recovered by any person who will sue for the same, in any court having cognizance thereof, by action of debt or by information, the one moiety thereof, when recovered, to be for the use of the people of this state, and the other moiety to the person so prosecuting.

XIV. *And be it further enacted*, That every auctioneer who shall receive or accept of any higher or further reward for his service in the sale of any goods, wares, merchandize or effects, which shall be committed to his care, than at and after the rate of two and an half per cent. in value, to which the said goods, wares, merchandize or effects, by him actually sold shall amount, unless a previous agreement be made in writing between the owner of such goods, wares, merchandize or effects, and such auctioneer, for a higher or further reward, shall forfeit the sum of two hundred and fifty dollars for every such offence, to be recovered in the name and for the use of the people of this state, under the direction of the comptroller as aforesaid.

XV. *And be it further enacted*, That the account of the monies received from time to time in the treasury of this state, by virtue of this act, shall be kept distinct, and the treasurer on the order of the comptroller, shall pay to the chamberlain of the city of New-York, to be appropriated by the common council of the said city towards the support of the foreign poor within the same, the amount of one third part of the monies arising from the said duty on sales at auction in the city of New-York, and the residue of the said monies arising on the sales at auction, either in

the said city of New-York or in any part of this state, are hereby appropriated for the use of this state: *Provided however*, That the appropriations heretofore made to certain charitable institutions in the said city of New-York shall still continue in the same way as if this act had not been passed.

Proviso, saving for mer appropriations for charitable institutions in New-York

XVI. *And be it further enacted*, That if any person shall be guilty of any fraud or deceit in the execution of this act, or in eluding or defeating the operation thereof, every such person shall, on conviction thereof, forfeit the sum of one thousand two hundred and fifty dollars, as a penalty for every such offence, to be recovered by any person who will sue for the same in manner aforesaid, the one moiety thereof when recovered, to be for the use of such person, and the other moiety for the use of the people of this state.

Any person guilty of fraud or deceit in the execution of this act, etc., subject to a penalty K. & R. v. 1. 408, sec. 15 Penalty

XVII. *And be it further enacted*, That if no person shall, within seven days after any offence shall be committed against this act, prosecute for the penalties therein mentioned, it shall be lawful for the comptroller to direct the attorney-general to prosecute for the same, which penalty, when recovered, shall be paid to the treasurer for the use of the people of this state.

If not sued for, as in preceding section in 7 days, comptroller to direct attorney-general to sue. K. & R. v. 1. 408, § 16

XVIII. *And be it further enacted*, That all contracts, written or verbal, hereafter to be made for the sale or transfer, and all wagers concerning the prices, present or future, of any certificate or evidence of debt due by or from the United States, or any separate state, or any share or shares of the stock of any bank, or any share or shares of the stock of any company established or to be established by any law of the United States, or any individual state, shall be, and all such contracts are hereby declared to be absolutely void, and both parties are hereby discharged from the lien and obligation of such contract or wager, unless the party contracting to sell and transfer the same shall at the time of making such contract be in the actual possession of the certificate or other evidence of such debt or debts, share or shares, or be otherwise entitled in his own right, or duly authorised and empowered by some person so entitled to transfer the said certificate, evidence, debt or debts, share or shares, so to be contracted for, and the party or parties who may have paid any premium, differences, or sums of money, in pursuance of any contract hereby declared to be void, shall and may recover all such sums of money, together with damages and costs, by action on the case in assumpsit, for money had and received to the use of the plaintiff, to be brought in any court of record.

Wagers as to prices of stock etc. declared void K. & R. v. 1. 408 § 17 7 Geo 2, c. 8, sec. 1, 10, 11 10 Geo 2, c. 8

And both parties discharged therefrom

Actions for money had and received maintainable for premium, etc.

CHAP. X.—(R.L.)

An ACT to prevent private Lotteries and to restrain Insurance of Lottery Tickets.

Passed February 25, 1813.

[S. & L. v 2. 146, 405—V. S. v 1. 124, 277, 377, 674, 675—J & V. v 1. 87—Gr. v 1. 57—K. & R. v 1. 53—W. v 4. 634—W. v 5. 240]

WHEREAS experience has proved, that private lotteries occasion idleness and dissipation, and have been productive of frauds and impositions: Therefore,

Lotteries except such as are authorised by the legislature, declared nuisances

K&R. v 1. 35
Sess 6. c 12

§ 1

10 C. 11. W. 3

c 17

9 Ann. c 6

§ 56

10 Ann. c 26

§ 109

5 Geo. 1. c 9

§ 43

8 Geo. 1. c 2

§ 36

12 Geo. 2 c 28

5 John. Rep 327

7 John. Rep 434

Grand juries

to be specially

charged, to

present such

offences and

to indict

offenders

Persons sett-

ing on foot. etc

any such lot-

teries

K & R. v 1

§ 5. § 2

Or selling or

exposing for

sale any

lands, etc

8 Geo. 1 c 2

sec 36

12 Geo. 2 c 28

sec 4

Shall on con-

viction forfeit

the whole

sum or value

of the lottery,

or if that can-

not be ascer-

tained then

to forfeit 1260

dollars and

costs of pro-

secution

9 Ann. c 6

§ 56

8 Geo. 1. c 2

sec 37

Penalty how

distributed

Persons sell-

ing or offer-

ing to sell

tickets

K. and R. v 1

35, sec. 3

Or purchase

the same or

become ad-

venturers

herein

I. *BE it enacted by the people of the state of New-York, represented in Senate and Assembly,* That each and every lottery, other than such as shall be authorised by the legislature, shall be deemed a common and public nuisance; and the justices of the supreme court, and all other justices of the courts of oyer and terminer or gaol delivery, and the justices of the courts of general or quarter sessions of the peace at their several courts within any of their respective counties in this state, shall have cognizance of such offence, and are hereby enjoined and required in all and every of their charges hereafter to be made or given by them to the grand jurors in their respective courts, strictly to charge such grand jurors diligently to enquire of, and to present or indict all offences against this act; and the court to which an indictment or presentment shall be preferred for such offence, shall be and are hereby empowered and enjoined to prosecute such indictment or cause the same to be prosecuted in the usual manner of prosecution; and upon conviction to adjudge such fines and penalties as are hereinafter directed, together with the costs of prosecution, and to order execution, and to direct the fines or penalties when recovered to be applied in the manner hereinafter directed.

II. *And be it further enacted,* That no person or persons shall, within this state, open, set on foot, carry on, promote, draw or make publicly or privately, any lottery, game or device of chance of any nature or kind whatsoever, or by whatever name, denomination or title it may be called, known or distinguished, or shall, by any such ways or means, expose or set to sale any houses, lands, tenements or real estate, or any goods, wares, merchandizes, cash or other thing or things whatsoever; and that every person who shall offend in the premises against the true intent and meaning of this act, and shall thereof be convicted by the oath of one or more credible witness or witnesses in either of the courts herein before mentioned in any part within this state, shall forfeit the amount of the whole sum or value for which such lottery was made; and if such sum or value shall not be satisfactorily ascertained to the said court at the time of the trial, then each such offender so convicted shall forfeit one thousand two hundred and fifty dollars; and that such offender shall be committed to the common gaol of the county until such forfeiture with the costs of prosecution be paid; the one half of such forfeiture to be paid to the treasurer of this state for the use of the people of this state to be applied for the support of government, and the other half to the person or persons who shall have voluntarily given information of such offence and prosecuted the same to effect; and for defect of such voluntary informant, then to be paid and applied as the first moiety of such forfeiture is hereby directed to be paid and applied.

III. *And be it further enacted,* That if any person shall vend, sell or barter, or offer to sell, vend or barter any ticket or tickets of any lottery other than such as shall be authorised by the legislature of this state, or of any game or device of chance; or if any person or persons shall purchase the same, or in any other way become adventurer or adventurers therein, or be any ways concerned in such lottery, game or device of chance, either by

printing, writing or any other ways publishing an account thereof; or where tickets may be had or obtained for the same, or be in any wise aiding or assisting in the same; every person so offending shall, on being convicted thereof as before mentioned, in any of the courts before mentioned, forfeit and pay for every such offence the sum of fifty dollars, and the costs of prosecution, to be levied and applied in like manner as is directed with respect to the other forfeitures herein before mentioned.

IV. *And be it further enacted*, That if any person or persons who shall be adventurer or adventurers in any such lottery, game or device of chance as aforesaid, for transferring of any property by lot or chance, shall become entitled to any prize or prizes, he, she or they shall be liable to forfeit, and shall forfeit the same with costs of suit, to such person or persons who shall give information thereof so that such offender may be convicted in manner before directed; and for the recovery of such prize or prizes, such person or persons so informing, shall be entitled to maintain an action in any court of record within this state, against any person who shall have opened, set on foot, carried on, or made such lottery, game or device of chance; or against any person or persons who shall have sold or offered for sale any ticket or tickets: And if the person or persons so informing, be, or shall have been an adventurer only, in such lottery, game, or device of chance, he, she or they shall, upon giving such information as aforesaid, be exempted from the penalty otherwise incurred by this act; and any person or persons adventuring as aforesaid, whose ticket or tickets shall be drawn or turn out blank shall, upon giving information as aforesaid, so that the person or persons who shall have opened, set on foot, carried on, drawn or made the said lottery, or other game or device of chance, or shall have sold or bartered, or offered for sale or barter such ticket or tickets, may be convicted, be entitled to recover against any such person or persons so convicted, double the sum which he, she or they adventured in each lottery, game or device of chance, with double costs of suit, by action of debt in any court of record within this state: And if any person or persons who shall have so opened, set on foot, carried on, drawn or made such lottery, game or device of chance as aforesaid, shall either before or after the drawing or finishing of the same, give information thereof, so that the persons who have adventured therein, shall be convicted in the manner before directed, he, she or they so giving information shall not only be exempted from the penalty otherwise incurred by this act, and be entitled to the reward allowed to persons in such case informing, but shall also have a right to retain all such monies or other effects as he, she or they may have received by the sale or barter of such tickets.

V. *And be it further enacted*, That every grant, bargain, sale, conveyance or transfer of any lands, tenements, hereditaments or real estate, or of any goods or chattels whatsoever which shall hereafter be made in pursuance of any such lottery, game or other device to be determined by chance or lot, are hereby declared void and of none effect.

5 Geo. 1. c 9
sec 43
6 Geo. 2. c 35
sec 29

Either by
printing, etc.
where tickets
may be had,
or by aiding
in the premis-
es

9 Geo. c 19
sec 4

Persons entit-
led to a prize
in the said lot-
teries forfeit
the same
K and R. v 1
35 sec. 4
References
supra

With costs of
suit to any
person giving
information
thereof

And he may
sue for and re-
cover the
same

Adventurers
giving infor-
mation, ex-
empted from
penalties

Persons draw-
ing blanks
entitled to
double the
sum adven-
tured with
costs in an
action for
same

Persons sett-
ing on foot,
etc. the said
lotteries, and
giving infor-
mation
against adven-
turers so that
they be con-
victed

exempted
from penalties
and also
entitled to re-
tain the pur-
chase monies
of tickets sold
Grants, sales,
etc. of lands,
goods, etc.
made in pur-
suance of such
lotteries, etc
void
K and R v 1
35 sec 5
References
supra

Where there are two offenders, either or both liable to the penalties of this act K and K v 1 35 see 6

Lottery offices for registering tickets in any lottery authorised by law or not, W. v 5, 240 Sess. 39, c 108 § 1—W. v 5, 417—Sess. 32, c 36 References *supra*.

Or publishing the same prohibited under a penalty.

Proviso.

Insurances on tickets, etc. prohibited under a penalty W. v 5, 240 Sess. 30, c 231 § 2 References *supra*. 7 John. Rep. 434

500 dolls. and not exceeding 5000. imprisonment.

VI. *And be it further enacted*, That where any two or more persons shall be concerned in setting on foot, carrying on, drawing or making any such lottery, game or device of chance as aforesaid, or be joint adventurers in the same, the penalties herein before directed for such offences respectively, may be recovered against and levied from all or each or either of them, any thing herein contained to the contrary notwithstanding.

VII. *And be it further enacted*, That it shall not be lawful for any person or persons whomsoever, to open, set up, exercise or keep, by himself or herself or by any other person or persons, any office or other place for registering the number or numbers of any ticket or tickets in any public or private lottery, authorised or not authorised by any law of this state, or of any other state or country, or for registering the numbers or number of any ticket or tickets in any other lotteries whether public or private, and whether authorised by any law of any other state or country or not, or by writing, printing, or otherwise to publish the setting up, opening or using any such office or offices or other place: *And further*, If any person or persons shall offend against this act in any of the matters last aforesaid, he, she or they shall be deemed guilty of a misdemeanor, and shall upon conviction be fined in a sum not exceeding two hundred and fifty dollars, or be imprisoned for a time not exceeding three months by any court having cognizance thereof: *Provided always*, That nothing herein before contained shall be deemed or taken to prevent any person or persons who shall have tickets for sale from keeping a check-book, to enable him or her to know what tickets are drawn or undrawn, for the purpose of making sale of tickets during the time of the drawing of any such lottery or lotteries.

VIII. *And be it further enacted*, That it shall not be lawful for any person or persons whomsoever, to sell the chance or chances of any ticket in any such lottery as aforesaid, or to insure for or against the drawing of any such lottery as aforesaid, or to insure for or against the drawing any such ticket or tickets, or to receive any money or goods in consideration of any agreement to repay any sum or sums, or to deliver the same or other goods if any such ticket or tickets shall prove fortunate or unfortunate, or on any other chance or event relative to the drawing of any such ticket or tickets, whether as to their being drawn fortunate or unfortunate, or the time of their being drawn or otherwise howsoever, or under any pretence, device, form, denomination or description whatsoever, to promise or agree to pay any sum or sums or to deliver any goods, or to do or forbear doing any thing for the benefit of any person or persons whether with or without consideration, on any event or contingency relative or applicable to the drawing of any such ticket or tickets, or the number or numbers of any ticket or tickets, or to publish any proposal for any of the purposes aforesaid; and if any person or persons shall offend against this act in any of the matters last aforesaid, he, she or they shall be deemed guilty of a misdemeanor, and shall upon conviction be fined in a sum not exceeding two hundred and fifty dollars or be imprisoned for a time not exceeding three months by any court having cognizance thereof.

IX. *And be it further enacted*, That it shall not be lawful for any person or persons whomsoever to sell any share or shares of any ticket in any such lottery as aforesaid, nor any whole ticket, without being the owner or owners of such ticket at the time of such sale; and all and every person or persons who shall offend against this act in either of these respects, shall forfeit and pay the sum of twenty-five dollars.

Sales of tickets or shares in tickets prohibited unless by the owner.
W. v 5, 240
Sess. 30. c 281
§ 3
Penalty

X. *And be it further enacted*, That the penalty mentioned in the last preceding section, may be recovered by action of debt with costs of suit, in any court having cognizance thereof, by any person who will prosecute for the same, the one moiety thereof when recovered shall be paid to the overseers of the poor of the city or town where such offence shall be committed, for the use of the poor thereof, and the other moiety to the person who shall sue for the same.

And how and by whom collected.
W. v 5, 240.
Sess. 30. c 282
§ 4

XI. *And be it further enacted*, That the justices of the peace, mayors, sheriffs, bailiffs, constables and other civil officers within their respective jurisdictions, are hereby empowered, directed and required to use their utmost endeavors, by all lawful ways and means, to prevent the opening, setting on foot or drawing of any such unlawful lotteries, games or devices of chance, prohibited by this act: *Provided always*, That this act, or any clause, matter or thing therein contained, shall not affect or be deemed, judged or construed to affect any lottery or lotteries established or to be established by or under the authority of the United States in congress assembled, or any act, matter or thing, done or to be done in any wise relating to such lottery or lotteries by any person whomsoever.

Justices of the peace and other peace officers, etc. required to prevent unlawful lotteries.

Proviso, saving lotteries established by congress.

CHAP. V.—(R.L.)

An ACT for the Prevention of Bribery.

Passed February 25, 1813.

[W. v. 4. 634.—Sess. 29. c. 181.]

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That if any person shall promise, offer, or give to any member of the council of revision, council of appointment, or any commissioner of the land office, or member elect of the senate or assembly of this state, or any member who hath qualified and taken his seat in the said senate or assembly, any money, goods, chattels, chose in action, or other property, with intent to influence his vote on any question brought or to be brought before the said councils, board of commissioners, senate or assembly, such person shall be deemed guilty of a high misdemeanor, and shall on conviction thereof be fined in a sum not exceeding five thousand dollars, or imprisoned in the state-prison at hard labor, for a term not exceeding ten years, or both, in the discretion of the court.

Bribing a senator, member of the assembly, council of revision or appointment, or of the land office.
W. v 4. 634
Sess. 29. c. 181
§ 1.
1 Hawk. P. C. 168
4 Bl. Com. 150, 140
FF. 48, 11. 6
De. leg. l. 12
3 Inst. 147.
11 H. 4. c 1

II. *And be it further enacted*, That if any such member of the said councils, board of commissioners, senate or assembly, shall give his vote on any question brought as aforesaid, in consequence of such corrupt promise or promises, offer or offers, gift

The punishment of the party taking the bribe declared.
W v 4. 634

Sess. 29. c 181
§ 2

or gifts, such member shall be deemed guilty of a high misdemeanor, and shall, on conviction thereof, be fined and imprisoned as aforesaid, and also be for ever disqualified from holding a seat in the legislature, or any office of honor, profit, or trust in this state.

Duty of the
attorney gen.
in prosecuti-
ons under this
act
W v 4. 634
Sess. 29. c 181
§ 3

III. *And be it further enacted*, That it shall be the duty of the attorney-general to cause all persons already indicted, or who may be hereafter indicted for corrupting, or attempting to corrupt any such member of the legislature, or of the councils or board of commissioners aforesaid, to be brought to trial, and to attend in person to the execution of the duties required of him by this act.

CHAP. XLV.—(R.L.)

An ACT to prevent Duelling.

Passed April 2, 1813:

[W. v. 3. 334.—Ib. v. 4. 635.]

Sending or ac-
cepting a chal-
lenge to
fight a duel,
declared a
high misde-
meanor.
Sess. 26. c 71
§ 1.
W v 3. 334.
4 Bl. Com.
146, 185, 199.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That any citizen of this state who shall hereafter give or accept a challenge to fight a duel, or shall actually fight a duel, although no death ensue, and the second or seconds of every person offending in the premises, shall be deemed and taken to be guilty of a high misdemeanor against the people of this state, and on conviction thereof before any court of oyer and terminer and general gaol delivery in this state shall, for every such offence, be disqualified from holding any office of honor, profit or trust, and voting at any election within this state, for the term of twenty years.

Punishment.

Meeting to
fight or bear-
ing the chal-
lenge, etc. a
misdemeanor.
Sess. 26. c 71
sec. 2
W v 3. 335
Vide supra.

II. *And be it further enacted*, That any citizen of this state who shall by word, writing, or otherwise, request or invite any person to meet him with intent to fight a duel, and every citizen of this state who shall meet with intent to fight a duel, and every person knowingly being the bearer of any challenge or message sent with the intent aforesaid, shall be deemed guilty of the said offence, and on conviction thereof in any of the said courts, shall be subject to the disqualifications and punishments in manner aforesaid.

Punishment.

Offences out
of the state
where cogni-
zable.
Sess. 26. c 71
§ 3
W v 3. 335

III. *And be it further enacted*, That every offence against this act committed without the limits of this state, by a citizen thereof, shall and may be cognizable in the said courts in either of the counties of this state, as if the said offence had been committed within such county.

Who compe-
tent witnesses.
Sess. 26. c. 71
sec. 4.
W v 3. 335

IV. *And be it further enacted*, That any person offending against this act, shall be a competent witness against any other person offending in like manner, and may be compelled to appear and give evidence in said court touching the premises, but shall not thereby be criminated himself.

Grand juries
to be charged
to inquire of
offences under
this act.

V. *And be it further enacted*, That it shall be the duty of the justices of the courts of oyer and terminer and general gaol delivery, and general sessions of the peace, at every session to give in charge to the grand jury of the county in which either of the

said courts shall be held, to inquire of all offences committed against this act.

VI. *And be it further enacted*, That if any person not being a citizen of this state, shall be convicted in any of the said courts of the aforesaid offence against this act, he shall be fined and imprisoned at the discretion of the court, having cognizance thereof, not exceeding five hundred dollars as a fine, and seven years imprisonment in the state-prison at hard labor.

VII. *And be it further enacted*, That it shall be the duty of the attorney-general to cause all persons already indicted, or who may be hereafter indicted for any offence against this act, to be brought to trial, and to attend in person to the discharge of the duties required of him as aforesaid.

Sess. 26. c 71
§ 5
W v 3. 335
Persons not
citizens of this
state guilty of
offences, etc.
punishable by
fine and im-
prisonment.
Sess. 26. c 71
§ 6
W v 3. 335.
Duty of at-
torney-gen. in
attending to
prosecutions
under this
act
W v 4. 635
Sess 29 c 181
sec 3

CHAP. XXIV.—(R.L.)

An ACT for suppressing Immorality.

Passed March 5, 1813.

[Charter of Rights, &c. Oct. 26, 1683.—Br. ed. 23, 6, 41, 42.—S.&L. v. 1. 23, 72.—V. S. v. 1. 72. 23.—J.&V. v. 2. 257.—Gr. v. 2. 89.—K.&R. v. 1. 224.—Sess. 35. c. 84.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall be no travelling, servile laboring or working, (works of necessity and charity excepted) shooting, fishing, sporting, playing, horse-racing, hunting, or frequenting of tippling-houses, or any unlawful exercises or pastimes by any person or persons within this state, on the first day of the week, commonly called Sunday; and that every person being of the age of fourteen years or upwards, offending in the premises, shall, for every such offence, forfeit and pay to the use of the poor of the city or town where such offence shall be committed, the sum of one dollar: And that no person shall expose to sale any wares, merchandize, fruit, herbs, goods or chattels, upon the first day of the week, commonly called Sunday, except small meat, and milk and fish, before nine of the clock in the morning, upon pain that every person so offending shall forfeit the same goods so exposed to sale to the use of the poor of the city or town where such offence shall be committed, and if any person offending in any of the premises shall be thereof convicted before any justice of the peace for the county, or any mayor, recorder, or alderman of the city where the offence shall be committed, upon the view of the said justice, mayor, recorder or alderman, or confession of the party offending, or proof of any witness or witnesses upon oath, then the said justice, mayor, recorder, or alderman, before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to some constable of the city or county where the offence shall have been committed, commanding to seize and take the goods so exposed to sale as aforesaid, and to sell the same, and to levy the said other forfeitures or penalties by distress and sale of the goods and chattels of such offenders, and to pay the money arising by the sale of such goods so seized, and the said other forfeitures and penalties, to the overseers of the poor of the

No travelling,
nor labour,
&c. on Sun-
day.
K.&R. v. 1.
§ 24.
Sess. 24. c. 34.
§ 1.
29 Car. 2. c 7.
1 Car. 1 c 1.
3 Car. 1. c 2.
28 Ed. 3. c 14.
27 H. 6. c 5.
4 Ed. 4. c 7.
1 Jac. 1. c 22.
58 & 6 Ed. 6. c. 3.
1 Bl. c 2.
27 El. c 11
10 & 11 W 3
c 24
Nor selling
goods, etc.
2 Inst. 264,
674
2 W Bl Rep
1273
3 D & E 155
1 Brown's Rep
[Phila.] 171
1 Swift's Syst.
367
Hob 157
4 ac Abr 651
1 Bl Com 87
Exod. xx. 8, 9,
10, 11. 4. Bl.
Com 63, 64,
Cro Eliz 773
1 Salk 141
1 Wentw.
Plead. 351
Graham's
Speeches, 125
29 Car 2 c 7
§ 3
10 & 11 W 3 c
24. sec 14
9 Ann c 23. §
20

In case of no goods, then a commitment for not exceeding 12 hours.

Persons violating the sabbath, may be stopped and detained till next day, and then to be brought before a justice.

Proviso, as to going to or returning from church, or going for a physician, etc.

Persons keeping Saturday not subject to this act.
K&R, v 1
224. § 2

unless he disturbs others in keeping Sunday.

Inn-keepers, etc. prohibited from retailing strong and spirituous liquors on Sunday, etc.
K&R v 1. 224. § 3.

unless to travellers and lodgers, etc.
29 Car. 2. c 7
Party on conviction to pay a penalty of 2 dols. 50 cts.

Public religious worship not to be disturbed.
Sess. 5th, ch. 84. sec. 1, 2.
1 W&M. st. 1 c 18

By shows, plays, or indecent behaviour, horse racing, gaming, etc.

city or town where the said offence or offences shall have been committed, for the use of the poor thereof; and in case no such distress can be had, then every such offender shall, by a warrant under the hand and seal of the said justice, mayor, recorder, or alderman, be committed to the common gaol of the county, for a space of time not exceeding twelve hours: *And further*, 'That if any person shall be found fishing, sporting, horse-racing, hunting, gunning, or going to or returning from any market or landing with carts, waggons, or sleds, on the first day of the week called Sunday, it shall be lawful for any constable or other citizen, to stop every person so offending, and to detain him or her until the next day, and then to carry or convey him or her to some justice of the peace, to be dealt with according to law: *Provided always*, That no person going to or returning from any church or place of worship within the distance of twenty miles, or going to call a physician, surgeon, or midwife, or carrying a mail to or from any post-office, or going express by order of any public officer, or shall be removing his family or household furniture, if such removal be not commenced on such day, shall be considered as travelling within the meaning of this act.

11. *And be it further enacted*, That if any person charged with having labored or worked on the first day of the week called Sunday, shall be brought before a justice of the peace to answer to such charge, and shall then and there prove to the satisfaction of the said justice, that he or she uniformly keeps the last day of the week as holy time, and does not labor or work on that day, then such defendant shall be discharged: *Provided always*, That the work or labor with which he or she is charged, has not disturbed other persons in the observance of the first day of the week as holy time.

III. *And be it further enacted*, That no tavern-keeper, ale or porter house keeper, inn-keeper, or any person retailing strong or spirituous liquors, ale or porter, within this state, shall sell or dispose of any such liquors on the first day of the week, commonly called Sunday, to any person whatsoever, lodgers and travellers tolerated by law excepted: And that every person offending in the premises, and being thereof duly convicted before any mayor, recorder, alderman, or justice of the peace of the city or town where the same shall have been committed, upon the view of the said mayor, recorder, alderman or justice of the peace, or on confession of the party so offending or upon the oath of one or more credible witnesses, shall forfeit and pay for every such offence, the sum of two dollars and fifty cents.

IV. *And be it further enacted*, That if any person or persons whatsoever, either on the first day of the week called Sunday, or on any other day or time, shall wilfully and of purpose, disturb, interrupt, or disturb any assembly of people met for religious worship, by making a noise, or by rude and indecent behaviour or profane discourse, either within their place of worship or out of it so near as to disturb the order and solemnity of the meeting, or exhibit any shows or plays, or promote or aid any horse-racing or gaming of any description, or expose to sale any ardent or distilled liquors whatever, or keep or open any huckster shop

upon any part of any highway within the distance of one mile from the place where any such religious society shall be actually assembled for public worship, or shall obstruct the free passage of any highway, within the distance aforesaid of any place of public worship, then every person so offending, and being thereof legally convicted before any justice of the peace of the county, or any mayor, recorder, or alderman of any city where the offence shall be committed, shall, for every such offence, forfeit and pay to the use of the poor of the town or city where such offence shall be committed, a sum not exceeding twenty-five dollars; and in case any person convicted of any of the offences aforesaid, shall not immediately pay the sum so forfeited, with the charges of such conviction, or give security to the satisfaction of the said justice, mayor, recorder or alderman, before whom such conviction shall be had for the payment thereof, within twenty days thereafter, every such offender shall, by warrant under the hand and seal of such justice, mayor, recorder or alderman, be committed to the common gaol of the said city or county where the offence shall be committed, for a term not exceeding thirty days; and that all judges, mayors, recorders, aldermen, and justices of the peace, upon the view of any person or persons offending as aforesaid, are hereby authorised to order the said offender or offenders into the custody of any officer herein after named, or any official member of the church or society so as aforesaid assembled, for safe keeping, until he shall be let to bail, or a trial for such offence can be had according to law: *And further*, It shall be the duty of all sheriffs, coroners, marshals, constables and bailiffs, who shall or may be present at the public worship of any religious society interrupted or disturbed in manner aforesaid, to apprehend any and every such person or persons so offending, and take him or them, as soon as conveniently may be, before any justice of the peace, mayor, recorder or alderman of the city or county wherein such offence shall have been committed, in order that the person or persons so offending may be dealt with according to law.

Within a mile from the place of worship, or shall obstruct the highway.

Penalty on offenders.

If penalty not immediately paid or secured to be committed to gaol,

for not exceeding 30 days.
Magistrates upon view may order offenders into custody for trial, etc.
Peace officers to apprehend offenders.

V. *And be it further enacted*, That no person, upon the first day of the week commonly called Sunday, shall serve or execute, or cause to be served or executed, any writ, process, warrant, order, judgment or decree, except in cases of treason, felony, or breach of the peace, but that the service thereof shall be void, and any person so serving or executing the same, shall be liable for damages at the suit of the party grieved.

Process not to be served on Sunday.
K&R. v. 1. 224 § 4
Except for treason, etc.
23 Car. 2. c 7.
Service void, etc.
3 John. Rep. 257.

VI. *And be it further enacted*, That if any person shall, at any time hereafter, profanely swear or curse, and be thereof convicted by the confession of the party offending, or on the oath of any one or more witnesses, or in the manner hereinafter mentioned, before any justice of the peace for any county, or any mayor, recorder or alderman of any city in this state, every person so offending shall, for every such offence, forfeit and pay, to the use of the poor of the city or town where such offence shall be committed, the sum of thirty-seven and an half cents.

Profane cursing, etc. prohibited.
K&R. v. 1. 234. § 5
[B blasphemy punishable at common law in this state, 8 John. Rep. 290.]

VII. *And be it further enacted*, That in case any person shall profanely swear or curse in the presence and hearing of any

19 Geo. 2. c 21
3 Jac. 1. c 31
9 & 10 W. 5. c 33.
Profane cursing, etc. before a magis-

trate in the execution of his office prohibited.

K. & R. v. 1.

224. § 6

Offenders may be convicted on view without proof. If offenders do not immediately pay penalty, K. & R. v. 1. 224. § 7

References *supra*.

And being above 16 years of age, may be imprisoned

for a certain time.

If offenders under 16 years of age, his parent or master to pay penalty

Offenders against this act may be apprehended by warrant on oath,

K. & R. v. 1.

224. § 9.

And convicted.

Convictions under this act how drawn up

K. & R. v. 1.

224. § 10

Sess. 35. c 84

§ 1

Form of conviction.

justice of the peace for any county, or in the presence and hearing of any mayor, recorder or alderman of any city, while in the execution of his office, every such justice of the peace, mayor, recorder or alderman, shall, and he is hereby authorised and required to, convict every such offender of such offence, without any other proof whatsoever.

VIII. *And be it further enacted*, That in case any person, who shall be convicted of profanely cursing or swearing, shall not immediately pay the respective sums so forfeited, with the charges of such conviction, or give security to the satisfaction of the justice, mayor, recorder or alderman, before whom such conviction is had, for the payment thereof within six days, then every such offender, being above the age of sixteen years, shall, by warrant under the hand and seal of such justice, mayor, recorder or alderman, be confined in the gaol of the county for every offence, or for any number of offences, whereof any such offender is convicted at one and the same time, for a space of time, not less than one day or exceeding three days; but if the offender shall not be above the age of sixteen years, and shall not forthwith pay the said forfeitures, or give security for the payment thereof, the parent or master shall pay the same, to be recovered as aforesaid.

IX. *And be it further enacted*, That every justice of the peace, mayor, recorder or alderman, shall, immediately upon information given upon the oath of any person, cause every offender against this act to appear before him, and upon such information being proved as aforesaid, shall convict such offender in such manner as in and by this act is prescribed.

X. *And be it further enacted*, That every justice of the peace, mayor, recorder and alderman, before whom any person shall be, by virtue of this act, convicted of any of the offences aforesaid, shall cause such conviction to be drawn up in the form following: "City of New-York, (or Westchester county, or other city or county, as the case may require) to wit: Be it remembered, that on the day of in the year of our Lord one thousand A. B. was convicted before me, C. D. mayor, (or recorder, or one of the aldermen of the said city, or one of the justices of the peace of the said county) of crying, or shewing forth or exposing to sale, one (or two or more, specifying the number, quantity and kind of goods) on a Sunday, in the said city, (or the town of in the said county) or of travelling, (or doing servile work or labor, or of shooting, fishing, sporting, playing, horse-racing, hunting, or frequenting tippling-houses, or using some unlawful exercise or pastime) on Sunday, or of swearing one (or two or more) profane oath or oaths, or of uttering one (or more) profane curse (or curses) in the said city, (or at the town of in the said county, as the case may require) or of obstructing, on the day of the free passage of the highway in the city (or town of) within the distance of one mile from a place of public worship, or of wilfully disturbing, on the day of an assembly of people met for religious worship, in the city or town of by making a noise, or by rude and indecent behavior, or by profane dis-

3 Caines' Rep.

137

6 John. Rep.

101

7 Ibid 134

course, or by exhibiting shows or plays, or by promoting or aiding horse-racing or gaming, (as the case may be) or by exposing to sale ardent or distilled liquors, or of having, on the day of kept or opened a huckster's shop upon the highway, within the distance of one mile from the place where such religious society were assembled for public worship, (as the case may require.) Given under my hand and seal the day and year above said." And no conviction or adjudication by virtue of this act, shall be liable to be removed by certiorari into the supreme court, but shall be deemed and taken to be final.

XI. *And be it further enacted*, That in all actions to be brought by virtue of this act, the like fees shall be allowed and taken as in cases of civil suits before justices of the peace, and no more; and that all charges of the information and conviction of any such offenders, shall be paid by the party offending, over and above the penalties inflicted by this act, which charges shall be ascertained and settled by the mayor, recorder, alderman or justice before whom such conviction shall be had, but shall in no case exceed the sum of five dollars; and that all penalties which shall be adjudged, levied and collected by virtue of this act, shall be received by the magistrate before whom such conviction and adjudication was had, and shall by him, within thirty days after the receipt thereof, be paid over for the use of the poor in the city or town where the same was so levied and collected: *Provided always*, That if the offender shall be imprisoned for the same offence, no charges shall be paid by any person whomsoever.

XII. *And be it further enacted*, That no person shall be prosecuted for any offence against this act unless the same shall be prosecuted within twenty days next after the offence committed.

XIII. *And be it further enacted*, That if any action shall be brought against any person for doing or causing to be done any thing in pursuance of this act, the defendant in such action may plead the general issue and give the special matter in evidence; and if in any such action a verdict or judgment shall be given for the defendant or the plaintiff become nonsuit or discontinue his action, then the defendant shall have treble costs.

No conviction can be removed by certiorari, but deemed conclusive.

Fees allowed in proceedings under this act. K&R. v. 1. 224 § 11. By whom to be paid.

Not to exceed 5 dollars. By whom penalties to be received and how paid of.

Proviso.

Limitation of prosecutions under this act. K&R. v. 1. 224 § 12.

Persons sued for executing this act may plead the general issue

K&R. v. 1. 224 § 13. And recover treble costs.

CHAP. CII.—(R.L.)

An ACT concerning Divorces, and for other Purposes.

Passed April 13, 1813.

[V. S. v. 2. 133—Gr. v. 1. 428.—K&R. v. 1. 93.]

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful in all cases of adultery already committed or hereafter to be committed, by a husband or a wife, they being inhabitants of this state at the time of committing such adultery, or when the marriage shall have been solemnized or taken place within this state, and the party injured by such adultery shall be an actual resident in this

In cases of adultery, injured party may apply to chancery for a divorce. K&R. v. 1. 93 1 John. Rep. 424

Moor. 683—32 state at the time of the adultery being committed, and at the time
 H. 8. c. 38 of exhibiting the bill, for such injured party, to exhibit a bill in the
 2 & 3 Ed. 6. c. 23 court of chancery of this state against the adulterer or adulteress,
 26 Geo. 2 c. 33 setting forth the adultery complained of, and praying for a divorce
 4 & 5 Ph. & M. from the defendant, and for such further and other relief as he or
 c. 8—12 Car. 2 she may think himself or herself entitled to, under and by virtue
 c. 33—1 Bl. of this act, or praying for a divorce only, as the complainant may
 Com. 465, 467 think fit; and upon the exhibition of such bill, the complainant
 Co. L. t. 235 shall be entitled to the usual process to compel the defendant to
 2 Mod. 314 appear to and answer the said bill, and such proceedings may be
 Can. 16. 3. c. had upon the said bill as according to law, and the course and prac-
 105 tice of the said court in other cases, will entitle the complainant
 to have his or her bill taken *pro confesso* against the defendant,
 and the same may be taken *pro confesso* accordingly.

Proceedings
thereon.

Answer to be
without oath.
K. & R. v. 1. 93,
94 § 2

Issue thereup-
on how tried.

II. *And be it further enacted*, That if the defendant shall ap-
 pear to and answer the said bill, he or she may answer the same
 without oath or affirmation; and if the defendant shall by answer-
 ing, the adultery charged in the bill, the court of chancery
 shall thereupon direct a feigned issue or issues to be made up for
 trial by jury, of the fact or facts of adultery, charged by the com-
 plainant and denied by the defendant, and shall make the neces-
 sary orders for the trial of the said issue or issues, at some circuit
 court or sittings, to be held by a justice of the supreme court of
 this state, and may direct the same to be tried by a special or so-
 reign jury if deemed necessary; and in case the same shall be di-
 rected to be tried by a special jury, the chancellor shall have
 power to make the necessary orders for procuring a list of jurors
 from the county from which the jury is to be taken, and for strik-
 ing the same; and the chancellor may award a new or further
 trial of the said issue or issues if he deems the same necessary to
 do justice between the parties.

If bill be ad-
mitted, or ta-
ken *pro con-
fesso* proceed-
ing thereupon
K. & R. v. 1
93, 94

III. *And be it further enacted*, That if the defendant shall, by
 answer, admit the adultery charged against him or her in the
 bill, or if the bill shall be taken *pro confesso* against the defend-
 ant, it shall in either case be the duty of the court of chancery,
 before any decree dissolving the marriage shall be pronounced,
 to refer the same to a master in chancery, with directions to take
 the proof of the adultery charged in the bill, and to report the
 same to the court with his opinion thereon, and the cause shall
 be heard on such proofs and report previous to a final decree
 therein.

If adultery be
proved a di-
vorce, a vincu-
lo matrimonii
awarded
K. & R. v. 1
93, 94

IV. *And be it further enacted*, That if it shall satisfactorily
 appear to the court of chancery, either by the trial of such feign-
 ed issue or issues, or by the proofs taken and reported by a master
 as aforesaid, that the defendant has been guilty of the adultery
 charged in the bill, it shall be lawful for the said court to decree
 that the marriage between the parties shall be dissolved, and
 each party freed from the obligations thereof, but such dissolu-
 tion of the marriage shall not in any wise affect the legitimacy
 of the children thereof. And it shall be lawful for the complain-
 ant, after such dissolution of the marriage, to marry again as
 though the defendant was actually dead. But it shall not be law-

But the legiti-
macy of the
children of the
marriage
not affected
by it

ful for the defendant who may be so convicted of adultery to marry again until the complainant shall be actually dead.

V. *And be it further enacted*, That if a wife is the complainant in such suit wherein a decree dissolving the marriage as aforesaid shall be pronounced, it shall be lawful for the court of chancery to make a further decree or order against the defendant, compelling him to provide for the maintenance of the children of the marriage, if any there shall be, and to provide a suitable allowance to the complainant for her support as to the said court shall seem reasonable and just, having regard to the circumstances of the parties respectively, and to order such defendant to give reasonable security for such maintenance and allowance, and upon his neglect or refusal to give such security as shall be required of him, or upon default of him and his surety to provide such maintenance and allowance, to sequester his personal estate, and the rents and profits of his real estate, and to appoint a receiver thereof, and cause such personal estate, and the rents and profits of such real estate, to be applied towards such maintenance and allowance, or to such maintenance or allowance as to the said court shall from time to time seem just and reasonable.

Injured party may marry again, but not the adulterer. If wife be complainant and be divorced, chancellor may take order as to the support of her and children.

And to order defendant to give security, and on default sequester his estate.

VI. *And be it further enacted*, That if a wife is complainant in any suit wherein a decree dissolving the marriage as aforesaid shall be pronounced, and she shall, at the time of pronouncing such decree, be owner of any lands, tenements or hereditaments, or have in her possession any goods or chattels, or choses in action, which were left with her by her husband, which she may have acquired by her own industry, or which may have been given to her by devise or otherwise, or may have come to her, or to which she may be entitled by the decease of any relative intestate, she shall be entitled to the absolute enjoyment of such real estate, and to the entire dominion and controul of such goods and chattels and choses in action against the defendant in the suit, and may sue for and recover the same in her own name.

What separate estate to be deemed the wife's after divorce which was her's before, or jointly with her husband.

May sue defendant therefor.

VII. *And be it further enacted*, That if a husband is complainant in any such suit wherein a decree dissolving the marriage as aforesaid shall be pronounced, and the defendant shall, at the time of pronouncing such decree, be the owner of any lands, tenements or hereditaments in her own right, the complainant's right to and interest therein and to the rents and profits thereof shall not be taken away or impaired by such dissolution of the marriage, but the same shall remain to him as though the marriage had continued, and he shall also be entitled to such personal estate and choses in action as may belong to or be in the defendant's possession at the time such decree shall be pronounced, in like manner as though the marriage had continued, and may sue for and recover the same in his own name.

If husband be complainant he is to possess the wife's estate as if he were not divorced.

VIII. *And be it further enacted*, That a wife being a defendant and convicted of adultery as aforesaid, shall not be entitled to dower in the complainant's real estate or any part thereof, nor to any distributive share in his personal estate, on his dying intestate.

Adultery of the wife works a forfeiture of dower, and of any share of the personal estate of husband on his decease.
1 Bl. Com. 468
Cowel. tit. Affinity
3 Bl. Com. 95. c. 7

What shall
entitle wife to
a residence in
this state un-
der this act
1 John Rep
424

IX. *And be it further enacted*, That whenever a *feme covert* shall exhibit a bill against her husband by virtue of this act, she shall not be deemed a resident or an inhabitant of any other state or county merely because her husband shall reside or inhabit in such other state or county, but her being an inhabitant of this state shall be determined by the fact of her abiding in this state.

Divorce a
*mensa et tho-
ro*, when and
how granted
on complaint
of wife

X. *And be it further enacted*, That it shall and may be lawful for any *feme covert*, she and her husband being inhabitants of this state, or where the marriage shall have been solemnized or taken place within this state, and she being an actual resident therein at the time of exhibiting a bill as hereafter mentioned, to exhibit a bill in the court of chancery against her husband, complaining of cruel and inhuman treatment of her by him, or such conduct on the part of the husband towards his wife as may render it unsafe and improper for her to cohabit with him, and be under his dominion and controul, or that he has abandoned her and refuses or neglects to provide for her, specifying particularly the nature and circumstances on which she relies and seeks relief, with the time or times when, and place or places where, with reasonable certainty, and praying for such relief as she may think herself entitled to; to which bill the husband may be compelled to appear and answer according to the course of the court of chancery, or the bill may be taken *pro confesso* against him as is usual in other cases in that court.

Causes of
complaint
1 Bl Com. 467
468. c 15
3 Bl. Com. 94
c 7
Moor. 683
2 Mod. 314

Husband com-
pelled to an-
sw r com-
plaint

Causes of
complaint for
ill treatment,
etc. being
proved, the
chancellor
may decree
an absolute,
limited or
temporary di-
vorce a *mensa
et thoro*

XI. *And be it further enacted*, That in case it shall appear to the court of chancery by the answer and confession of the defendant, or by the bill being taken *pro confesso* against him, or by proof taken in the cause in the usual manner, that the defendant is guilty of such cruel and inhuman treatment towards the complainant, or such conduct towards her as renders it unsafe and improper for her to cohabit with him, and be under his dominion and controul, or that he has abandoned her, and refuses or neglects to provide for her, it shall and may be lawful for the court of chancery to decree a separation from bed and board forever thereafter, or for a limited time, as shall seem just and reasonable, or to make such other decree in the premises as the nature and circumstances of the case require; and whether the court shall decree a separation from bed and board or not, to make such orders and decree for the suitable support and maintenance of the wife and her children or any of them by the husband, or out of his property as the nature of the case and the circumstances of the parties render suitable and proper in the opinion of the chancellor, and to enforce such orders and decrees by sequestering the rents and profits of the real estate of the husband (if any he has) and his personal estate and choses in action, and by appointing a receiver thereof, and causing such rents and profits, and personal estate and choses in action to be applied accordingly, or by such other lawful ways and means as is usual, and according to the course and practice of the said court, and as to the chancellor shall seem meet and agreeable to equity and good conscience.

And to take
order or sup-
port of wife
and children

And to en-
force all or-
ders by se-
questration

XII. *And be it further enacted*, That the defendant in any such suit as last aforesaid, may require from the complainant security for costs before he shall be compelled to answer the bill, and the court on application for that purpose may order security to be given accordingly. Security for costs may be required from complainant

XIII. *And be it further enacted*, That the defendant in any such suit as last aforesaid, may insist in his defence, and be permitted to prove, the ill conduct of the complainant as a justifiable cause for the conduct on his part complained of, and on making out such ill conduct to the satisfaction of the court, he may be dismissed with or without costs in the discretion of the court. Husband, on the complaint of wife may shew her ill conduct, etc. in his defence

XIV. *And be it further enacted*, That in any suit brought under and by virtue of this act, the court may decree costs against either party, and award execution for the same, or in case any estate shall be sequestered, or in the power of the court, or in the hands of a receiver, it may order costs to be paid out of the property so sequestered, or in the power of the court, or in the hands of a receiver, at discretion, and according to right and justice. Costs may be decreed against either party, and how collected

CHAP. LXXXVIII.—(R.L.)

*An ACT concerning Slaves and Servants.**

Passed April 9, 1813.

[Br.ed. 52, 68, 69, 72, 82.—S.&L. v. 1. 69, 72, 185, 193, 199—V.S. v. 1. 69, 73, 92, 153, 162, 329.—Ibid. v. 2. 764.—J.&V. v. 1. 64, 175, 325.—Ibid. v. 2. 253.—Gr. v. 1. 42, 143, 278.—Ibid. v. 2. 85, 312, 396—K.&R. v. 1. 612.—W. v. 3. 51, 479.—Ibid. v. 5. 92, 450.—Sess. 33, c. 115, 193, § 23.]—

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That every negro, mulatto or mestee within this state, who is now a slave for life, shall continue such unless such slave shall be manumitted according to law; and that the baptizing of any slave shall not be deemed to be a manumission of such slave: *Provided always*, That all persons born slaves within this state, and who have heretofore been or shall hereafter be manumitted, shall be deemed, taken and adjudged to have been capable of taking by devise, descent or otherwise, all estates, real or personal, in the same manner as if he or they had been born free, and shall and may at all times hereafter, and in all courts have the like remedy for the recovery of such estates, or for injuries done to the same, as if such person or persons had been free-born citizens of this state; but this act shall not be construed to create a cause of action against the former owner of any such slave or his representative. Those already slaves, to remain so unless legally manumitted. K.&R. v. 1. 612 § 1—2 Bl. Com. 92, 61, 98 4 Ibid. 420 Slaves capable of taking by devise or descent after their manumission. W. v. 5, 450 § 1 1 John. Rep. 208—9 H. 3, c 14—14 Ed. 1. c 1—3 Ed. 3 c 1—25 Ed. 3, st. 5 c 18—37 Ed. 3 c 17—1 R. 2 c 6—9 R. 2 c 2—25 H. 6 c 1—3 H. 7 c 2 Marriages of slaves declared legal W. v. 5, 450 § 2

II. *And be it further enacted*, That all marriages contracted or which may hereafter be contracted, wherein one or more of the

[* The first act for the gradual Abolition of Slavery, was passed March 20, 1790—vide Lor. And. 721.—Sess. 22. c. 62.]

And the issue legitimate.

Proviso.

Slaves may be manumitted by will or by any other writing for the purpose.
K&R v 1, 612
§ 3—5 John.
Rep. 355—7
Ib. 324—9 Ib.
144—Dyer
69, b.
But owner still liable for his support.
9 John, Rep. 225

Unless he shall procure a certificate of the slave's ability to provide for himself.

By whom certificate to be given.

To be conclusive as to the facts certified.

If certificate refused, application may be made to the sessions.

The owner may manumit the child of his slave.
W. v 5, 450 § 3.

Provided a certificate of the ability of the parent of the child be obtained and registered.

Certain manumissions by Quakers declared valid.
K&R. v. 1.
w3 § 3

parties was, were, or may be slaves, shall be considered equally valid as though the parties thereto were free; and the child or children of any such marriage shall be deemed legitimate: *Provided*, That nothing herein contained shall be deemed or construed to manumit any such slave or slaves.

III. *And be it further enacted*, That it shall be lawful for the owner of any slave to manumit such slave by last will or testament, or by any certificate or writing for that purpose; but if such slave at the time of such manumission be above the age of forty-five years, or within that age and not of sufficient ability to provide for his or her support, the owner of such slave, and the heirs, executors, administrators and assigns of such owner, shall respectively be liable for the maintenance of such slave, in case such slave shall become a charge to any city or town within this state; and the overseers of the poor of any such city or town shall and may, from time to time, recover the amount of the monies expended for the maintenance of such slave from such owner, his heirs, executors, administrators or assigns, by action of debt or by information in any court having cognizance thereof: *Provided however*, That if the owner of such slave, at or immediately before the time of such manumission, shall obtain a certificate signed by the overseers of the poor of the city or town where such owner shall reside, or the major part of them, or if in the cities of New-York or Albany, by the mayor and recorder of the said cities respectively, certifying that such slave appears to be under the age of forty-five years, and of sufficient ability to provide for himself or herself, and shall cause such certificate to be registered in the office of the clerk of such city or town, such certificate or the registry thereof, shall be conclusive evidence of the facts therein contained and forever exonerate such owner and his representatives from the maintenance of such slave; and in case of the refusal of such overseers, or of the said mayor and recorder to grant such certificate, such owner may apply for the same to the court of general sessions of the peace of the city or county in which such owner shall reside, giving ten days notice of such application to the said overseers, or mayor and recorder; and if such certificate be granted by such court, the same shall be as effectual as if signed by such overseers, mayor and recorder, and court to grant or refuse such certificate according to the truth of the case: *And further*, It shall be lawful for the owner of a child born a slave, to manumit such child, and if such owner shall obtain a certificate from the persons before mentioned, setting forth that the parent or parents of such child is or are able and willing to maintain and provide therefor, such certificate shall in like manner exonerate such owner and his representatives from the future maintenance of the person so manumitted: *Provided*, Such certificate shall be registered as herein before directed.

IV. *And be it further enacted*, That all the manumissions of slaves made by the people called Quakers, and others, before the ninth day of March, in the year of our Lord one thousand seven hundred and ninety-eight, although not in strict conformity to the statutes then in force relating to such manumissions, shall be va-

and from the time the same were made: *Provided*, That every owner of any slave so manumitted, and the heirs, executors, administrators and assigns of such owner shall be liable for the maintenance of such slave in case such slave hath or shall become a charge to any city or town within this state, and from time to time be subject to suits by the overseers of the poor for monies expended by any such city or town in the same manner as is provided in the preceding section of this act.

V. *And be it further enacted*, That no person held as a slave shall be imported, introduced or brought into this state, on any pretence whatever, by any person coming permanently to reside within this state for the space of nine months, shall be considered as having a permanent residence therein within the meaning of this act, but it shall not be construed to extend to such persons as may reside within this state for a shorter period; and if any person so held as a slave, shall be so imported, introduced or brought into this state, contrary to the true intent and meaning of this act, he shall be and is hereby declared free; and any slave who shall have been imported, introduced or brought into this state contrary to the foregoing directions, since the first day of May, one thousand eight hundred and ten, shall be and is hereby declared free.

VI. *And be it further enacted*, That no indenture, contract or bond, conditioned for personal service, hereafter entered into or made by any person who has been holden or possessed as a slave by any person without this state, shall be in any manner obligatory within this state on the person so bound to service, but the same is hereby declared to be utterly void; and if any such person, so having been holden as a slave, shall be indentured or bound, contrary to the intent of this act, he or she shall thereafter be free: *And further*, This section shall apply to every such indenture, contract or bond, made or entered into since the thirtieth day of March, one thousand eight hundred and ten; and the same shall likewise be utterly void, in like manner as if made or entered into since the passing of this act.

VII. *And be it further enacted*, That every child born of a slave within this state after the fourth day of July, in the year of our Lord one thousand seven hundred and ninety-nine, shall be free, but shall remain the servant of the owner of his mother and the executors or administrators of such owner, in the same manner as if such child had been bound to service by the overseers of the poor, and shall continue in such service, if a male, until the age of twenty-eight years, and if a female, until the age of twenty-five years: *And further*, That every person entitled to the services of any child under this section, shall use all proper and reasonable means to cause such child to be taught reading, so as to be able to read the holy scriptures, previous to such child's arriving to the age of twenty-one years, and if such person so entitled to such service, shall neglect to use all proper and reasonable means to give such instruction as aforesaid, having regard to all the circumstances of the case, then, and in every such case of neglect, such servants so neglected shall be released from their servitude when they arrive to the age of twenty-one years, any thing in any former law to the contrary notwithstanding; and all

Proviso.

Slaves not to be brought into the state K&R. v. 1. 613, § 4 Sess. 36, c 115 § 1 Exceptions.

Slaves bro't into this state contrary to this section, declared free.

Certain indentures and contracts with slaves declared void. Sess. 33, c 115 § 2

And the slaves free.

Children born of slaves after 4th July, 1799, declared free. K&R. v. 1. 615 § 8 but shall remain servants, as if bound by indenture, if a male to 28 years, if a female to 25 years of age.

Such children to be taught reading Sess. 33, ch. 115, § 3.

If his master neglects it the child shall be discharged from his service.

Complaints,
how determin-
ed.

complaints by any such servant, arising under this section, against his said master, and all complaints by any such master against such servant, shall be heard, tried and determined, in like manner and with like effect as complaints by and between master and apprentices under the laws of this state.

Certain own-
ers of slaves
from Virginia,
Maryland and
North-Caroli-
na, may hire
out their
slaves.
Sess. 33, ch.
193, § 23.

VIII. *And be it further enacted*, That notwithstanding any thing in this act contained, it shall be lawful for all such persons as reside in the counties of Ontario, Steuben, Seneca and Orange, and having emigrated from the states of Virginia, Maryland or North Carolina, within seventeen years last past, who hold in their own right slaves, which they brought with them from either of the said states, to hire out their said slaves to any citizen of this state, for a term of time not exceeding seven years: *Provided always*, That the masters of such slaves shall not be exonerated from liability to maintain any such slave, who, at the expiration of the term for which he shall be so hired out, shall not be of sufficient ability to maintain himself.

For a certain
term.
Proviso, mas-
ter still liable
for their sup-
port.

Inhabitants
after a cer-
tain residence
in the state
may take
their slaves
with them on
their removal
out of it
W. v. 5. 92.
Proviso.
Proo. shall
first be made
of the owner-
ship of slave
and of resi-
dence
Proof how
and before
whom to be
made.

IX. *And be it further enacted*, That it shall and may be lawful for every person who shall have resided ten years within this state, and who shall be about to remove permanently therefrom, to carry with him every such slave as shall have been the property of such person during ten years next preceding: *Provided*, That before such person shall attempt to carry away such slave out of this state, he shall make legal proof before a judge of the court of common pleas of the county, or before the mayor or recorder of the city in which he last resided, that such slave hath been his property during ten years then next preceding; and shall also prove to the satisfaction of the said judge, mayor or recorder, by the oath of two credible witnesses, who shall be known to the said judge, mayor or recorder, or who shall be proved to the satisfaction of such judge, mayor or recorder, to be credible witnesses, that such person intending to carry away such slave out of this state, hath resided within this state during the ten years next preceding; and that such slave hath been in the service or employment of such person as a slave during that time, and shall obtain a licence from such judge, mayor or recorder, to carry such slave out of the state: *And provided also*, That nothing in this act contained shall be deemed or taken to authorise any person so residing as aforesaid, who shall be entitled to any slave or servant for a time only, or shall hold such slave or servant upon condition of services for a term of years, and who shall be about to remove permanently from this state, to take such slave or servant therefrom; and every master of a vessel who shall knowingly receive on board his vessel, for the purpose of carrying out of this state, any slave for whose exportation such licence as aforesaid hath not been obtained, shall be deemed guilty of a public offence, and for every such offence shall forfeit the sum of two hundred and fifty dollars for every slave so received on board, to be recovered and paid in like manner as the forfeiture is directed to be recovered and paid in and by the fifth section of the said act.

A licence how
to be granted.

Further pro-
viso, not to
extend to ser-
vants or slaves
for term of
years.

Masters of
vessels subject
to a penalty
for taking
away slaves
without a li-
cence.
Penalty.

False swear-
ing under this

X. *And be it further enacted*, That if any person shall knowingly and wilfully swear falsely on any oath or deposition made

or taken by virtue of, or pursuant to this act, such false swearing shall be deemed and taken to be wilful and corrupt perjury, and the person thereof convicted shall be liable to all the pains and penalties thereof.

XI. *And be it further enacted*, That it shall be lawful for any person not an inhabitant of this state, who shall be travelling to or from, or passing through this state, to bring with him any slave, and take such slave with him from this state; and it shall also be lawful for any inhabitant of this state, going a journey to any other part of the United States, to carry with him any such slave or servant as aforesaid, but such inhabitant shall bring back every such slave or servant, and in default thereof shall be deemed to have committed a public offence, and to have incurred the forfeiture last aforesaid, unless he shall, within six months after his return, make proof, by his own oath or otherwise, to the satisfaction of a judge, mayor or recorder of the city or county wherein he shall reside, that every such slave or servant not brought back as aforesaid, could not be brought back by reason of some unavoidable accident, and unless such person shall forthwith file a certificate of having made proof as aforesaid, signed by the magistrate before whom such proof hath been made, in the office of the clerk of the city or town in which he shall reside.

XII. *And be it further enacted*, That the children of slaves, born between the fourth day of July, one thousand seven hundred and ninety-nine, and the thirty-first day of March, one thousand eight hundred and four, and which shall have been duly abandoned by their owners previous to the last mentioned day, shall continue to be provided for at the expense of this state, according to the then existing laws thereof; and no contract by any overseers of the poor, for the support of any person so abandoned, made before the twenty-sixth day of March, one thousand eight hundred and two, according to the provisions of the then existing statutes relative to slaves, shall be affected by this act, but the same shall be governed by the statutes then in force, any thing herein contained to the contrary notwithstanding: *Provided*, That it shall be lawful for any person entitled to the service of any person hereafter to be born of a slave, or who shall have been born of a slave since the fourth day of July, one thousand seven hundred and ninety-nine, at any time to abandon any male child after it shall arrive to the age of twenty-one years, and if a female, to the age of eighteen years: *Provided*, That the person entitled to such service shall, at or immediately before such abandonment, obtain a certificate, signed by the overseers of the poor of such city or town where such person shall reside, certifying that such child, if a male, appears to be of the age of twenty-one years, and if a female, of the age of eighteen years, and of sufficient ability to provide for himself or herself; and shall cause such certificate to be registered in the office of the clerk of such city or town.

XIII. *And be it further enacted*, That if any person shall wilfully suffer or permit his slave, or such servant as aforesaid, to beg of others, victuals, clothing or other necessities, such person

act declared perjury.
W. v. 5.93 § 3

Travellers not resident in this state may take their slaves with them through this state.
K. & R. v. 1 6 5. § 7
W. v. 5.93. § 2.
And an inhabitant of the state going out of it on a journey may do the like, if they bring the slave back, and proof thereof to be made, and how and before whom; and if slave is not brought back, proof of its being by accident, etc.
Proof to be filed.

Children of slaves born within a certain period and abandoned by the owners to continue to be supported by the state.
K. & R. v 1,616 § 10
W. v 3, 51,479
Contracts for their support to be valid.

Proviso—Children hereafter born of slaves may be abandoned after a certain age.
W. v 3. 479, 430
Further proviso—That certificate be procured and from whom and how,

That slave is of sufficient ability to provide for himself.

Slaves or servants not permitted by their masters

to beg, under
a penalty on
the master.
K&R. v 1, 617
§ 12
Penalty how
collected and
applied.

shall forfeit twenty-five dollars for every such offence, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by any person who will sue for the same, one half of which forfeiture shall be paid to the prosecutor, and the residue to the overseers of the poor of the city or town in which such offence shall be committed, for the benefit of such poor.

Sales of aged
infirm slaves
to those un-
able to support
them prohibi-
ted.
K&R. v. 1.
617. § 13
Penalty.
Who deemed
the owner.

XIV. *And be it further enacted*, That if any person shall, by fraud or collusion, sell, or pretend to sell or dispose, of any aged or infirm slave, to any person who is unable to maintain such slave, such sale or disposition shall be void, and the person making the same shall forfeit the sum of fifty dollars for each offence, and shall moreover be deemed the owner of such slave within the meaning of the next preceding section of this act, and which forfeitures shall be recovered and applied as is directed in the said section.

Harbouring,
etc. of slaves
or servants
prohibited.
K&R. v 1, 617
§ 14
John. Rep/
462
Penalty.

XV. *And be it further enacted*, That if any person shall employ, harbour, conceal or entertain any slave or such servant as aforesaid, knowing such slave or servant to belong to any other person, without the consent of such owner, such person shall forfeit to the owner of such slave or servant, the sum of twelve dollars and fifty cents for every twenty-four hours, and in that proportion for a greater or less time, while such slave or servant shall have been so employed, harboured, concealed or entertained, but such forfeiture shall not in the whole exceed the value of such slave, or of the service such owner is entitled to receive from such servant: *And further*, If any person shall be guilty of harbouring, entertaining or concealing, or of assisting to convey away any such slave or servant, and such slave or servant be lost or die, such person shall forfeit to the owner of such slave or servant the value of such slave, or of the service such owner shall be entitled to receive from such servant; all of which forfeitures may be recovered by action of debt, with costs of suit, in any court having cognizance thereof.

In case slave
or servant die
then offender
to pay the va-
lue of the
same.

How recover-
ed.

Trading, etc.
with a slave
or servant
prohibited.
K&R. v 1, 618
§ 15
Caines' Rep.
218
Penalty.

XVI. *And be it further enacted*, That if any person shall trade or traffic with any such slave or servant, either in buying or selling, without the consent of the owner of such slave, or the master or mistress of such servant, such person shall for every such offence forfeit treble the value of the articles so bought or sold, and also the sum of twelve dollars and fifty cents, to the owner of such slave or servant, to be recovered with costs against such person, by action of debt in any court having cognizance thereof, and every contract so made with such slave or servant shall be void.

Selling rum,
etc. to a slave
or servant
prohibited.
K&R. v 1, 618
§ 16
Penalty.

XVII. *And be it further enacted*, That if any person shall sell any rum or other strong liquor to any such slave or servant, without the consent of the owner of such slave, or the master or mistress of such servant, such person shall forfeit for every such offence the sum of five dollars, to be recovered in the name of the owner of such slave or servant, with costs, by action of debt in any court having cognizance thereof, the one half of which forfeiture, when recovered, shall be paid by such owner to the

overseers of the poor of the city or town where such offence shall be committed.

XVIII. *And be it further enacted*, That if any person shall, by theft or trespass committed by any such slave or servant, sustain damage to the value of twelve dollars and fifty cents or under, the owner of such slave, or the master or mistress of such servant, shall be liable to make satisfaction for the same to the party injured, to be recovered by action of debt, with costs, in any court having cognizance thereof.

When and to what amount master liable for the acts of his slave or servant.
K.&R. v. L. 618. § 17.

XIX. *And be it further enacted*, That no slave shall be a witness in any case, except for or against another slave, in criminal cases.

Slaves when witnesses.
K.&R. v. L. 618. § 19.
1 John. Rep. 508.

XX. *And be it further enacted*, That where any slave shall hereafter be convicted in the supreme court, or in any court of oyer and terminer and gaol delivery, or general sessions of the peace, of any crime not punishable with death, or with imprisonment in the state-prison for life, it shall be lawful for the master or mistress of such slave to cause such slave to be transported out of this state: *Provided*, That the court before which such conviction may be had, shall have previously certified, that the crime whereof such slave shall be convicted, is of such a nature that transportation would be a proper punishment: *And provided also*, That such court may also inflict such other punishment on such slave as from the nature of the offence, and the course of the law, they may judge proper.

Slaves on conviction of crimes, when and how may be transported out of the state.
K.&R. v. L. 613 § 20
Proviso, that the court first certify its propriety.

Further proviso, and other legal punishment may be imposed on the slave.

XXI. *And be it further enacted*, That if any such slave shall strike a white person, it shall be lawful on proof of the same by the oath of such person, for any justice of the peace to commit such slave to gaol, who shall thereupon be tried and punished as in cases of petit larceny, according to the act, entitled, 'An act declaring the powers of the courts of general sessions of the peace, and the powers and duties of justices of the peace;' but in all other cases such slave shall have the privilege of trial by jury.

Punishment of a slave striking a white person.
K.&R. v. L. 618 § 13

Jury trial when secured to a slave.

XXII. *And be it further enacted*, That every person being an inhabitant of this state, who shall be entitled to the service of a child born after the fourth day of July, one thousand seven hundred and ninety-nine, shall, within nine months after the birth of such child, cause to be delivered to the clerk of the city or town whereof such person shall be an inhabitant, a certificate in writing, containing the name and addition of such person, and the name, age and sex of the child so born, which certificate, whether the same be delivered before or after the said nine months, shall be, by the said clerk recorded in a book to be by him for that purpose provided, and such record thereof shall be good evidence of the age of such child, and the clerk of such city or town shall receive from said person twelve cents for every child so registered; and if any person shall neglect to deliver such certificate to the said clerk within the said nine months, such person shall forfeit and pay for every such offence five dollars, and the further sum of one dollar for every month such person shall neglect to deliver the same, to be sued for and recovered by the clerk of the city or town in which such person shall

Children of slaves born after July 4, 1799 to have the time of their birth recorded.
K.&R. v. L. 616 § 9.

When, how, and in what time.

Penalty for neglect.

How recovered and applied.

reside, the one half to the use of such clerk, and the residue for the use of the poor of such city or town.

Penalty on persons selling or transferring slaves brought into this state.
K. & R. v. 1. 614 § 5
Gr. v. 2. 85.
1 Caines' Rep. 325
2 John. Ca. 79, 89.
9 John. Rep. 219.
How recovered.

XXIII. *And be it further enacted*, That if any person whatsoever within this state, shall under any colour or pretext whatever, sell as a slave, or transfer for any period whatever, any person who shall hereafter be imported or brought into this state as a slave, every person so selling or transferring such slave, and his or her factor or agent making such sale or transferring, shall be deemed guilty of a public offence, and shall for every such offence, forfeit the sum of two hundred and fifty dollars, to be recovered with costs of suit by any person who will sue for the same, by action of debt in any court of record having cognizance thereof, the one half of which forfeiture shall be paid to the treasurer of this state for the use of the people thereof, and the other half to the person who shall sue for the same to effect: *And further*, That every person so imported or brought into this state, and sold contrary to the true intent and meaning of this act, shall be free.

Such slave to be free.

Any person exporting or attempting to export a slave, subject to a penalty.
K. & R. v. 1. 614, sec. 6.
3 John. Rep. 41.

XXIV. *And be it further enacted*, That if any person shall export or attempt to export, any slave or any servant born of a slave, and made free by virtue of this act, to any place without this state, except as is by this act provided, every person so exporting or attempting to export such slave or servant, and every person aiding or consenting to such exportation or attempt to export, shall be deemed guilty of a public offence, and shall for every such offence forfeit the sum of two hundred and fifty dollars, to be recovered and paid in like manner as the forfeiture mentioned in the last preceding section, is directed to be recovered and paid, and the slave or servant so exported, or attempted to be exported, shall be free: *Provided*, That nothing herein contained shall apply to any slave who shall be transported or sent out of this state pursuant to the twenty-first section of this act, or to any slave who shall be pardoned by the executive on condition of leaving this state.

How recovered, and applied.

Provided.

Certain poor slaves maintained by the state.
K. & R. v. 1. 617. § 11.

XXV. *And be it further enacted*, That all persons heretofore manumitted by this state, and formerly the slaves of persons whose estates have been confiscated or forfeited, and who were slaves at the time of such confiscation or forfeiture, and who then and since have resided, and still reside within this state, and are unable to support themselves, shall also in like manner be maintained as paupers by the overseers of the poor of the city or town in which they shall reside at the expense of this state, and the accounts of the said overseers for such expense, being certified and approved by the mayor of such city, or by the supervisor, and a majority of the justices of such town, shall be paid by the treasurer of this state on the warrant of the comptroller in favour of such overseers, not exceeding the rate of three dollars per month.

Certain slaves brought into this state, if born after a certain time, declared free after a certain period of service.

XXVI. *And be it further enacted*, That when any slave shall have been, or shall hereafter be brought or imported into this state, by any person coming into this state, with intent to reside permanently therein, and who shall have resided without this state, and also have owned such slave at least during one year next preceding the time when such person shall have come, or may hereafter come to reside perma-

nently within this state, then and in such case every such slave, if born after the fourth day of July in the year of our Lord one thousand seven hundred and ninety-nine, shall be free, but shall remain the servant of him or her who was before the owner of such slave, and the executors or administrators of such owner, in the same manner as if such child had been bound to service by the overseers of the poor, and shall continue in such service, if a male, until the age of twenty-eight years, and if a female, until the age of twenty-five years.

XXVII. *And be it further enacted*, That it shall be lawful for the owner of any slave brought or imported into this state, to manumit such slave in the same manner and upon the same terms, as if such slave had been born in this state, and not otherwise: *Provided*, The person bringing or importing such slave shall have come into this state with intent to reside permanently therein, and shall have resided without this state, and also have owned such slave at least during one year next preceding the importing or bringing in such slave.

XXVIII. *And be it further enacted*, That every person so importing or bringing in such slave, shall within six months thereafter, cause to be filed such certificate as is required in and by the twenty-second section of this act, in the manner therein directed, and in case of neglect to deliver such certificate as aforesaid, such person shall forfeit and pay for every such offence five dollars, and the further sum of one dollar for every month such person shall neglect to deliver the same, to be sued for and recovered by the clerk of the city or town in which such person shall reside, to the use of the poor of such city or town.

XXIX. *And be it further enacted*, That every person so importing such slave, shall use all proper and reasonable means to cause such slave, if under the age of twenty-one years, to be taught reading, so as to be able to read the holy scriptures, previous to his or her arriving to the said age, subject to the same penalty for neglect, as is directed in and by the seventh section of this act.

[Other cases as to slaves and contracts concerning them, &c. 2 John. Rep. 177.—3 John. Rep. 170.—6 John. Rep. 49.—9 John. Rep. 67.]

CHAP. XV.—(R.L.)

An ACT to prevent kidnapping of Free People of Colour.

Passed February 25, 1813.

[W. v. 5. 300.—Sess. 31. ch. 96.]

I. *Be it enacted by the people of the state of New-York, represented in Senate and Assembly*, That if any person shall, without due process of law, seize and forcibly confine, or inveigle, or kidnap, any negro, mulatto, mestee, or other person of colour, not being a slave, with intent to send him out of this state against his will, or shall conspire with any other person or persons, or aid, abet, assist, hire, command or procure any other person to

The male when 28, and the female when 25 years old. And the owner may manumit them if born in this state.

Proviso.

The owner of such slave to file a certificate within a certain time.

Penalty:

And to teach him to read.

Penalty,

Kidnapping free people of color, punishable W. v. 5. 300 sec. 1 4 Bl. Com. 219 c 15 11 & 12 W. 3. 67 Raym. 474 2 Show. 221 Skin. 47 Co m. 10 Exodus xxi. 16

commit the said offence, and shall be duly convicted of any of the said offences before any court of oyer and terminer or general sessions of the peace of any county in or through which such negro, mulatto, mestee, or other person of colour, not being a slave as aforesaid, shall have been brought, taken, kidnapped, confined, seized or inveigled as aforesaid, shall be fined or imprisoned, or both, in the discretion of the court before which such conviction shall be had, such fine not to exceed one thousand dollars, and such imprisonment not to exceed fourteen years at hard labour in the state-prison, and it shall be lawful for the said court to imprison such offender in the county gaol: *Provided*, The term of imprisonment imposed shall not require the offender to be sent to the state-prison.

Punishment
Provided
Second offence
how punish-
able
W. v 5 300
Sess. 31 c. 96
§ 2

II. *And be it further enacted*, That every person who shall be a second time or oftener convicted of any offence herein before specified, shall be adjudged by the court, who may give judgment thereupon to imprisonment at hard labour or in solitude, or both, in said prison, for and during his natural life.

CHAP. LXIV.—(R.L.)

An ACT concerning Ferries.

Passed April 5, 1813.

[V.S. v. 1. 171, 804.—J.&V. v. 2. 450.—Gr. v. 2. 273.—Ibid. v. 3. 305, 447.]

No ferry al-
lowed but ac-
cording to
this act
K. & R. v. 1.
163. sec. 1

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That no person (except within the southern district of this state, the counties of Orange, Essex and Clinton, and except as is otherwise provided for by this act,) shall use any ferry, for transporting across any river, stream or lake, within this state, any person, or any goods, chattels or effects, for profit or hire, unless in the manner directed by this act, under the penalty of five dollars for each offence, recoverable by action of debt with costs, by and in the name of any person who shall sue for the same before any justice of the peace of the county where such offence shall happen, or if the same be committed on waters dividing two counties, then in either of such counties, which penalty, when recovered, shall be paid, one half to the overseers of the poor of the town where the offence shall happen for the use of the poor thereof, and the other half to the use of the plaintiff in such suit; and if the offence shall happen on waters dividing two towns, then one quarter of the penalty shall be paid to the overseers of the poor of such towns respectively for the use of the poor thereof.

Penalty

5 John. Rep.
175
2 Roll. Abr.
140
3 Bl. Com. 219

Penalty how
collected and
distributed

The courts of
common pleas
to license fer-
ries
K. & R. v. 1.
163. sec. 2

II. *And be it further enacted*, That the court of common pleas in each of the counties of this state shall grant licenses for keeping ferries in their respective counties to as many suitable persons as they may think proper, which license shall continue in force for one year and no longer; and every person applying for such license shall, before the same be granted, enter into a recognizance to the people of this state in open court, in the

sum of one hundred dollars, faithfully to keep and attend such ferry with a sufficient and safe boat, or with such and so many sufficient and safe boats, and so many men to work the same, as shall be deemed necessary, together with sufficient implements for said ferry, during the several hours in each day, and at such several rates as the courts of common pleas in the several counties shall from time to time order, direct and determine, which recognizance shall forthwith be lodged on file with the clerk of the said county; and every person who shall offend herein, may be indicted for the same before any court of record in this state proper to hear the same, and shall be subject to such fine or penalty as such court may order and adjudge: *Provided*, The same shall not exceed the sum of twenty-five dollars for each offence; and, on proof of such conviction, the court of general sessions shall direct the recognizances given by such person to be estreated for the use of the people of this state; and when any waters, over which a ferry may be erected or used, divide two counties, the license obtained in form aforesaid, in either of the said counties, shall be sufficient to enable the person obtaining the same to transport persons, goods, wares and merchandize to and from either side of the said waters: *Provided nevertheless*, That nothing in this act contained shall in any wise be understood to affect or alter the ferries granted by charter to the corporations of Albany and Hudson, or to infringe upon, alter or impair any grants of this state, or any legal right or privilege whatever belonging to, or of right appertaining to, any individual or corporation, any thing in this act to the contrary notwithstanding: *And provided also*, That no such license shall be granted to any person other than the owner or occupant of the land through which the highway adjoining to any ferry shall run, unless such owner shall neglect to apply for such license in manner by this act directed.

Applicant to give recognizance to keep the ferry in such manner as the court shall direct

Recognizance to be filed with the clerk of the county

Provide

Where waters divide two counties, either county may grant the license

[vide acts relative to Albany and Hudson.]

Further proviso

III. *And be it further enacted*, That the clerks of the respective counties shall be entitled to receive, for entering each and every license granted by virtue of this act and for a copy thereof, one dollar, and no more.

Clerk's fee on each license K & R. v. 1 163. § 3

IV. *And be it further enacted*, That it shall and may be lawful for the court of common pleas of Niagara county, in their sessions, to establish and regulate a ferry at Youngstown, on Niagara river, in the same manner as the courts of common pleas are authorised by this act to establish and regulate ferries within this state.

A ferry to be established at Youngstown on Niagara river by the common pleas of Niagara Sess. 34 c 246 sec 37 Certain ferries confirmed

V. *And be it further enacted*, That nothing herein contained shall in any wise be deemed to affect or impair any rights granted by law to any individuals to establish and maintain certain ferries over certain waters in this state, in the manner and for the time limited in such grants, and not otherwise; but such grants or authority shall remain in like manner as if this act had not been passed.

An ACT to provide for the Incorporation of Religious Societies.

Passed April 5, 1813.

[J.&V. v. 1. 104.—K.&R. v. 1. 336.—W. v 3. 388.—Sess. 31. ch. 105.—W. v. 6. 554.]

Protestant
Episcopal
churches, how
incorporated
K and R. v i
336
Sess 24. c 79
§ 1

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the male persons of full age of any church or congregation in communion with the Protestant Episcopal church in this state, who shall have belonged to such church or congregation for the last twelve months preceding such election, and who shall have been baptized in the Episcopal church, or shall have been received therein either by the right of confirmation or by receiving the holy communion, or by purchasing or hiring a pew or seat in said church, or by some joint act of the parties and of the rector, whereby they shall have attached themselves to the Protestant Episcopal church, and not already incorporated, at any time to meet for the purpose of incorporating themselves under this act, and by a majority of voices, to elect two church wardens and eight vestrymen, and to determine on what day of the week called Easter week, the said officers of church wardens and vestrymen shall annually thereafter cease, and their successors in office be chosen; of which first election notice shall be given in the time of morning service on two Sundays previous thereto, by the rector, or if there be none, by any other person belonging to such church or congregation, and that the said rector, or if there be none, or he be necessarily absent, then one of the church wardens or vestrymen, or any other person called to the chair, shall preside at such first election, and together with two other persons, shall make a certificate under their hands and seals, of the church wardens and vestrymen so elected, of the day of Easter week so fixed on for the annual election of their successors, and of the name or title by which such church or congregation shall be known in law; which certificate being duly acknowledged or proved by one or more of the subscribing witnesses, before the chancellor or one of the judges of the supreme court, or one of the judges of the court of common pleas of the county, where such church or place of worship of such congregation shall be situated, shall be recorded by the clerk of such county in a book to be by him provided for that purpose, and that the church wardens and vestrymen so elected, and their successors in office of themselves; but if there be a rector, then together with the rector of such church or congregation, shall form a vestry, and be the trustees of such church or congregation; and such trustees and their successors shall thereupon by virtue of this act, be a body corporate by the name or title expressed in such certificate; and that the persons qualified as aforesaid shall, in every year thereafter, on the day in Easter week so to be fixed for that purpose, elect such church wardens and vestrymen, and whenever any vacancy shall happen before the stated annual election by death or otherwise, the

Annual elec-
tions for
church ward-
ens and ves-
trymen regu-
lated

said trustees shall appoint a time for holding an election to supply such vacancy, of which notice shall be given in the time of divine service, at least ten days previous thereto; and such election, and also the stated annual elections, shall be holden immediately after morning service, and at all such elections the rector, or if there be none, or he be absent, one of the church wardens or vestrymen shall preside and receive the votes of the electors, and be the returning officer, and shall enter the proceedings in the book of the minutes of the vestry, and sign his name thereto, and offer the same to as many of the electors present as he shall think fit, to be by them also signed and certified; and the church wardens and vestrymen to be chosen at any of the said elections, shall hold their offices until the expiration of the year for which they shall be chosen, and until others be chosen in their stead, and shall have power to call and induct a rector to such church or congregation as often as there shall be a vacancy therein: *Provided however*, That no meeting or board of such trustees shall be held, unless at least three days notice thereof shall be given in writing under the hand of the rector or one of the church wardens; and that no such board shall be competent to transact any business unless the rector, if there be one, and at least one of the church wardens and a majority of the vestrymen be present; and such rector, if there be one, and if not, then the church wardens present, or if both the church wardens be present, then the church warden who shall be called to the chair by a majority of voices, shall preside at every such meeting or board, and have the casting vote.

Trustees
when and
how to meet

II. *And be it further enacted*, That the minister or ministers and elders and deacons, and if during any time there be no minister, then the elders and deacons, during such time, of every Reformed Protestant Dutch church or congregation now or hereafter to be established in this state, and elected according to the rules and usages of such churches within this state, shall be the trustees for every such church or congregation; and it shall be lawful for the said trustees, if not already incorporated, to assemble together as soon as they shall deem it convenient, and execute under their hands and seals a certificate certifying the name or title by which they and their successors forever as a body corporate, by virtue of this act, shall be known and distinguished; which certificate being duly acknowledged or proved as aforesaid, shall be recorded by the clerk of such county in a book to be by him provided as aforesaid; and such trustees and their successors shall thereupon, by virtue of this act, be a body corporate by the name or title expressed in such certificate; and it shall be lawful for the trustees of any such church or congregation, elected by virtue of any former law of this state, by writing under their hands and seals, to be proved, acknowledged and recorded as aforesaid, to declare their will not to continue any longer a body corporate, and thereupon such body corporate shall cease, and all the estate, real and personal, held by them shall pass to and be vested in the trustees of such church or congregation, made a body corporate in the manner above directed: *Provided always*, That nothing herein contained shall be construed in any manner to impair or alter the rights of any of the chartered churches within this state.

Trustees of
Protestant
Dutch churches
K&R. v 1
338. § 2

How they
may be incor-
porated

How trustees
under any former
law may
dissolve their
corporation

The rights of
chartered
churches
saved

Other religious societies how incorporated.
K & R. v. 1. 339, sec. 3
W. v. 3, 389
Sess. 26, c 66.
§ 2.

III. *And be it further enacted*, That it shall be lawful for the male persons of full age, belonging to any other church, congregation or religious society, now or hereafter to be established in this state, and not already incorporated, to assemble at the church meeting-house, or other place where they statedly attend for divine worship, and, by plurality of voices, to elect any number of discreet persons of their church, congregation or society, not less than three, nor exceeding nine in number, as trustees, to take the charge of the estate and property belonging thereto, and to transact all affairs relative to the temporalities thereof; and that at such election, every male person of full age, who has statedly worshipped with such church, congregation or society, and has formerly been considered as belonging thereto, shall be entitled to vote, and the said election shall be conducted as follows: the minister of such church, congregation or society, or in case of his death or absence, one of the elders or deacons, church wardens or vestrymen thereof, and for want of such officers, any other person being a member or a stated hearer in such church, congregation or society, shall publicly notify the congregation of the time when, and place where, the said election shall be held, at least fifteen days before the day of election; that the said notification shall be given for two successive sabbaths or days on which such church, congregation or society, shall statedly meet for public worship, preceding the day of election; that on the said day of election, two of the elders or church wardens, and if there be no such officers, then two of the members of the said church, congregation or society, to be nominated by a majority of the members present, shall preside at such election, receive the votes of the electors, be the judges of the qualifications of such electors, and the officers to return the names of the persons who, by plurality of voices, shall be elected to serve as trustees for the said church, congregation or society; and the said returning officers shall immediately thereafter certify, under their hands and seals, the names of the persons elected to serve as trustees for such church, congregation or society, in which certificate the name or title by which the said trustees and their successors shall forever thereafter be called and known, shall be particularly mentioned and described; which said certificate, being proved or acknowledged as above directed, shall be recorded as aforesaid; and such trustees and their successors shall also thereupon, by virtue of this act, be a body corporate, by the name or title expressed in such certificate; and the clerk of every county for recording every certificate of incorporation by virtue of this act, shall be entitled to seventy-five cents, and no more.

Powers of the trustees of churches.
K & R. v 1, 339
§ 4.
W. v 6. 554.
Sess. 35. c 85.
§ 3
Sess. 35. c 202.

IV. *And be it further enacted*, That the trustees of every church, congregation or society, herein above mentioned, and their successors, shall respectively have and use a common seal, and may renew and alter the same at their pleasure, and are hereby authorised and empowered to take into their possession and custody all the temporalities belonging to such church, congregation or society, whether the same consist of real or personal estate, and whether the same shall have been given, granted or

devised,* directly to such church, congregation or society, or to any other person for their use; and also, by their corporate name or title, to sue and be sued in all courts of law or equity, and to recover, hold and enjoy all the debts, demands, rights and privileges, and all churches, meeting-houses, parsonages and burying places, with the appurtenances, and all estates belonging to such church, congregation or society, in whatsoever manner the same may have been acquired, or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been vested in the said trustees; and also to purchase and hold other real and personal estate, and to demise, lease and improve the same, for the use of such church, congregation or society, or other pious uses, so as the whole real and personal estate of any such church, congregation or society, other than the corporation of the minister, elders and deacons of the Reformed Protestant Dutch church of the city of New-York, and the first Presbyterian church of the city of New-York, and the rector, church wardens and vestrymen of St. George's church in the city of New-York, and of the minister, elders and deacons of the Reformed Dutch church in the city of Albany, shall not exceed the annual value or income of three thousand dollars; and of the said corporation of the minister, elders and deacons of the Reformed Protestant Dutch church of the city of New-York, the annual value or income of nine thousand dollars; and of the said first Presbyterian church of the city of New-York, the annual value or income of six thousand dollars; and of the said rector, church wardens and vestrymen of St. George's church, in the city of New-York, the annual value or income of six thousand dollars; and of the minister, elders and deacons of the Reformed Dutch church in the city of Albany, the annual value or income of ten thousand dollars; and also to repair and alter their churches or meeting-houses, and to erect others if necessary, and to erect dwelling-houses for the use of their ministers, and school-houses and other buildings for the use of such church, congregation or society; and such trustees shall also have power to make rules and orders for managing the temporal affairs of such church, congregation or society, and to dispose of all monies belonging thereto, and to regulate and order the renting the pews in their churches and meeting-houses, and the perquisites for the breaking of the ground in the cemetery or church yards, and in the said churches and meeting-houses for burying the dead, and all other matters relating to the temporal concerns and revenues of such church, congregation or society; and to appoint a clerk and treasurer of their board, and a collector to collect and receive the said rents and revenues, and to regulate the fees to be allowed to such clerk, treasurer and collector, and them or either of them to remove at pleasure, and appoint others in their stead; and such clerk shall enter all rules and orders made by such trustees, and payments ordered by them, in a book to be provided by them for that purpose.

V. *And be it further enacted*, That it shall be lawful for any two of such trustees, other than the trustees mentioned in the first section of this act, or their successors, at any time to

Annual amount of income, but certain churches excepted.

The income of those churches declared and limited.

Further powers of trustees.

Trustees, except of the Episcopal churches, to call meetings.

* *Vide* statute "concerning wills," which does not allow *devises* to corporations—vol. 1. 364. § 1.

K.&R. v. 1.
340. § 5.

call a meeting of such trustees, and that a majority of the trustees of any church, congregation or society, mentioned in this act, being lawfully convened, shall be competent to do and perform all matters and things which such trustees are authorised or required to do and perform, and that all questions arising at any such meetings shall be determined by a majority of the trustees present, and in case of an equal division, the presiding trustee shall have a casting vote.

Trustees how
long to continue
in office.
K&R. v 1. 341
§ 6

Rotation in
office.

VI. *And be it further enacted,* That the trustees first chosen according to the third section of this act, shall continue in office for three years from the day of their election, and immediately after such election the said trustees shall be divided by lot into three classes, numbered one, two and three, and the seats of the members of the first class shall be vacated at the expiration of the first year, of the members of the second class at the expiration of the second year, and the members of the third class at the expiration of the third year, to the end that the third part of the whole number of trustees, as nearly as possible, may be annually chosen, and the said trustees, or a majority of them shall, at least one month before the expiration of the office of any of the said trustees, notify the same in writing to the minister, or in case of his death or absence, to the elders or church wardens, and in case there shall be no elders or church wardens, then to the deacons or vestrymen of any such church, congregation or society, specifying the names of the trustees whose times will expire, and the said minister, or in case of his death or absence, one of the said elders or church wardens, or deacons or vestrymen shall, in manner aforesaid, proceed to notify the members of the said church, congregation or society, of such vacancies, and appoint the time and place for the election of new trustees to fill up the same, which election shall be held at least six days before such vacancies shall happen, and all such subsequent elections shall be held and conducted by the same persons, and in the manner above directed, and the result thereof certified by them, and such certificate shall entitle the persons elected to act as trustees, and in case any trustee shall die or refuse to act, or remove within the year, notice thereof shall be given by the trustees as aforesaid, and a new election appointed and held, and another trustee be elected in his stead, in manner aforesaid.

Election of
new trustees.

Members qualified to vote
for trustees.
K&R. v 1.
341. sec. 7

VII. *And be it further enacted,* That no person belonging to any church, congregation or society, intended by the third section of this act, shall be entitled to vote at any election succeeding the first, until he shall have been a stated attendant on divine worship in the said church, congregation or society, at least one year before such election, and shall have contributed to the support of the said church, congregation or society, according to the usages and customs thereof, and that the clerk to the said trustees shall keep a register of the names of all such persons as shall desire to become stated hearers in the said church, congregation, or society, and shall therein note the time when such request was made, and the said clerk shall attend all such subsequent elections, in order to test the qualifications of such electors, in case the same should be questioned.

VIII. *And be it further enacted,* That nothing in this act contained shall be construed or taken to give to any trustee of any church, congregation or society, the power to fix or ascertain any salary to be paid to any minister thereof; but the same shall be ascertained by a majority of persons entitled to elect trustees, at a meeting to be called for that purpose, and such salaries, when fixed, shall be ratified by the said trustees, or a majority of them, by an instrument in writing under their common seal, which salary shall thereupon be paid by the said trustees out of the revenues of such church, congregation or society.

Salaries of ministers how ascertained and paid.
K&R, v. 1. 342. § 8.

IX. *And be it further enacted,* That whenever any religious corporation within this state, other than the chartered corporations, shall deem it necessary and for the interest of such religious corporation to reduce their number of trustees, that it shall and may be lawful for any such religious corporation to reduce their number of trustees at any annual meeting: *Provided,* That such reduction shall not be such as have a less number than three trustees in any one of the said religious corporations.

Trustees may be reduced in number to three.
W. v 3. 388
sec. 4
Sess. 26. c. 66
§ 2.

X. *And be it further enacted,* That the treasurer of every religious corporation, singly, or the trustees or persons entrusted with the care and management of the temporalities of any church, congregation or religious society already incorporated, by virtue of any act of the legislature, or which may hereafter be incorporated in the cities of New-York, Albany, or Schenectady, or a majority of them respectively, shall once in every three years, and between the first day of January and the first day of April triennially, to be computed from the first day of January last, exhibit upon oath to the chancellor, or to one of the justices of the supreme court, or any of the judges of the court of common pleas in the county where such church, congregation or society shall be situated, an account and inventory of all the estate, both real and personal, belonging at the time of making such oath to the church, congregation or society, for which they respectively are trustees or managers as aforesaid, together with an account of the annual revenue arising therefrom; and if any such trustees or person entrusted as aforesaid, shall neglect to exhibit such account and inventory for the space of six years, after the expiration of every three years as aforesaid, and shall not then exhibit the same, and procure a certificate to be endorsed thereon by the chancellor or judge, that he is satisfied that the annual revenue arising from the real and personal estate of such corporation does not, nor has not for the six preceding years, exceeded the sum which by law it is allowed to receive, then such trustees or persons entrusted as aforesaid, shall cease to be a body corporate: And in every case where it shall appear from such account and inventory, that the annual revenue of any church, congregation, or religious society in either of the said cities, exceeds the sum which by virtue of any charter or law they may or can respectively hold and enjoy, it shall be the duty of the chancellor, justice or judge before whom the same shall be so exhibited, to report the same, together with such account and inventory, to the legislature at their next meeting.

Corporations in New-York, Albany and Schenectady, to exhibit account of estate and revenue.
K&R, v 1. 342
§ 9
Sess. 29. c. 45.
§ 1.
Sess. 35. c. 85
§ 2.

When corporation to forfeit their rights for not accounting.

Chancellor may permit a corporation to sell its real estate. Sess. 20. c. 43 sec. 3.

Proviso. *XI. And be it further enacted,* That it shall be lawful for the chancellor of this state, upon the application of any religious corporation, in case he shall deem it proper, to make an order for the sale of any real estate belonging to such corporation, and to direct the application of the monies arising therefrom by the said corporation to such uses as the same corporation, with the consent and approbation of the chancellor, shall conceive to be most for the interest of the society to which the real estate so sold did belong: *Provided,* That this act shall not extend to any of the lands granted by this state for the support of the gospel.

Revenue of churches limited. K. and R. v. 1. c. 10. § 10.

XII. And be it further enacted, That it shall be lawful for every religious corporation created by letters patent under the great seal of the colony of New-York, to have, hold, and enjoy lands, tenements, goods, and chattels of the yearly value of three thousand dollars, although the letters patent by which such corporation was created, shall contain a clause or clauses restricting and limiting the annual revenue and income of such corporation to a less sum than the said three thousand dollars.

Former corporation confirmed. K. and R. v. 1. c. 105 § 2.

Or how re-incorporated if dissolved. *XIII. And be it further enacted,* That every corporation of any church, congregation or religious society heretofore made in pursuance of any law of this state, and in conformity to the directions contained in this act, shall be, and the same is hereby established and confirmed, and such corporation shall be deemed to have commenced from the time of recording such certificate as aforesaid; and in case of the dissolution of any such corporation, or of any corporation hereafter to be formed in pursuance of this act, by reason of a non-compliance with the directions herein contained, the same may be re-incorporated in the manner prescribed in this act, at any time within six years after such dissolution, and thereupon all the estate real and personal formerly belonging to the same, shall vest in such corporation, as if the same had not been dissolved: *Provided,* That in such case the said account and inventory required to be exhibited by such corporation in the cities of New-York, Albany and Schenectady, shall be exhibited within one month after such re-incorporation, and triennially thereafter, as above directed.

Certain rights of Methodist Episcopal church in N. York. K. and R. v. 1. c. 343. sec. 12.

XIV. And be it further enacted, That the corporation of the Methodist Episcopal church, in the city of New-York, shall be, and hereby are authorised to continue to elect nine trustees of the said corporation, in the same manner as if that number of trustees had originally been named in the certificate of incorporation, and such trustees shall be classed, or continue to be classed in the manner prescribed by the sixth section of this act.

Certain acts and neglects not deemed a dissolution of corporation. Sess. 35. c. 85 § 1, 5.

Proviso. *XV. And be it further enacted,* That no religious corporation shall be deemed to be dissolved for any neglect hitherto, to exhibit an account or inventory of its real or personal estate, and the annual income thereof, nor for having held or hereafter holding elections of church officers on days before or after any moveable feast observed by such church, the intervening time between such elections being more than a solar year: *Provided,* That such account or inventory shall be exhibited within two years after the passing of this act, and that previous public notice be

given to the congregation of the time and place of holding such elections.

XVI. *And be it further enacted*, That whenever any religious corporation shall be dissolved by means of any non-user or neglect to exercise any of the powers necessary for its preservation, it shall be lawful for the religious society which was connected with such corporation to re-incorporate itself in the mode prescribed by this act, and that thereupon all the real and personal property which did belong to such dissolved corporation at the time of its dissolution, shall vest in such new corporation for the said society.

If corporation be dissolved, it may be re-incorporated under this act.

[*Note*.—The first general act for incorporating religious societies, was passed April 6, 1784. *Vide* J.&V. v. 1. 104.—Its beneficial effects were soon discovered, and the system, with but few alterations, has continued down to the present time. There is no similar regulation in Great-Britain. The established church (the church of England) is the only one in that country which receives the countenance and support of government. During our colonial government, the legislature, in 1683, made some provision for the support of ministers of the gospel on Long-Island—*Vide* "Charter of Rights and Liberties, &c." in appendix. In 1693, the legislature passed an act for settling and supporting a ministry in New-York, Richmond, Westchester and Queens.—*Vide* V. S. v. 1. 18. In 1698, the legislature authorised rates or taxes to be levied and collected to build churches, &c.—*Vide* Br. ed. 30. On the 27th June, 1704, *Trinity church*, in N.-York, was incorporated—*Vide* V. S. v. 1. 60. There were many other acts passed in relation to churches during our existence as a colony—*Vide* S.&L. and J.&V. editions of the colonial acts.—*Cases, &c. as to religious Incorporations*.—1 John. Ca. 319.—3 John. Rep. 115, 226.—5 *Ibid.* 347.—6 *Ibid.* 85.—9 *Ibid.* 147.]

CHAP. XCIV.—(R.L.)

*An ACT to incorporate Medical Societies, for the purpose of regulating the practice of Physic and Surgery in this State.**

Passed April 10, 1813.

[S.&L. v. 2. 188.—V. S. v. 1. 382.—Gr. v. 2. 425.—*Ib.* v. 3. 417, 419.—K.&R. v. 1. 449.—W. v. 3. 334.—*Ib.* v. 4. 537.—*Ib.* v. 5. 114.—Sess. 35. ch. 63.]

WHEREAS well regulated medical societies have been found ^{Preamble} to contribute to the diffusion of true science, and particularly the knowledge of the healing art; Therefore,

* The practice of physic and surgery in the city of New York was first regulated June 10, 1760. *Vide* S.&L. v. 2. 188. V. S. v. 1. 382, and afterwards by an act of March 27, 1792. *Vide* Gr. v. 2. 425. On the 23d March, 1797, the first general regulation throughout the state was adopted, authorising the chancellor, a judge of the supreme court or common pleas, or a master in chancery, to licence physicians and surgeons on receiving evidence of their having studied 2 years, &c. and the act of March 27, 1792, was thereby repealed. *Vide* Gr. v. 3. 417, 419. This act of March 23d, 1797, was revised, and with some alterations passed April 4, 1801. *Vide* K.&R. v. 1. 449. It was further amended in one of its provisions March 22d, 1803.—*Vide* W. v. 3. 334. On the 4th April, 1806, an act was passed establishing medical societies in the state, and a general state medical society, and repealing the former act.—*Vide* W. v. 4. 537. This act, with its subsequent amendments, has been adopted in the present revised act.

County medical societies, how incorporated.

W. v. 4. 57
Sess. 29. ch.
138. § 1, 17

The officers of each society

14 N. 5 H. 8. c. 5
32 H. c. 10, 42
5 H. 8. c. 6.
5 H. 8. c. 11
18 Geo 2. c. 15
34 Geo 5. c. 8. c. 8
Its corporate name,

And privileges

The present county societies to continue incorporated.

Their privileges and general powers,

And officers.

The medical society of the state of New-York to continue incorporated

W. v. 4. 57
Sess. 29. ch.
238. § 2.

How constituted and composed.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the physicians and surgeons in the several counties of this state, now authorised by law to practice in their several professions, except in those counties wherein medical societies have been already incorporated, to meet together on the first Tuesday of July next, at the place where the last term of the court of common pleas next previous to such meeting was held in their respective counties; and the several physicians and surgeons so convened as aforesaid, or any part of them, being not less than five in number, shall proceed to the choice of a president, vice-president, secretary and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places; and whenever the said societies shall be so organized as aforesaid, they are hereby declared to be bodies corporate and politic, in fact and in name, by the names of the medical society of the county where such societies shall respectively be formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever; and shall and may have a common seal, and may alter and renew the same at their pleasure: *Provided always,* That if the said physicians and surgeons shall not meet and organize themselves at such time and place as aforesaid, it shall be lawful for them to meet at such other time as a majority of them shall think proper; and their proceedings shall be as valid as if such meeting had been at the time before specified.

II. And be it further enacted, That the medical societies of counties already incorporated, shall continue to be bodies corporate and politic, in fact and in name, by the names of the medical society of the county where such societies have respectively been formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever, and shall and may have a common seal, and may alter and renew the same at their pleasure, and that the president, vice-president, secretary and treasurer, of such incorporated societies, shall hold their offices for one year, and until others shall be chosen in their places.

III. And be it further enacted, That the medical society already incorporated, by the style and name of the Medical Society of the state of New-York, shall continue to be a body politic and corporate, in fact and in name; and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever, and shall and may have and use a common seal, and may change and alter the same at their pleasure; and that the said society shall be composed of one member from each of the county societies in the state, elected by ballot at their annual meeting, who shall meet together at the time and place ap-

pointed by the said society for that purpose, and being met, not less than fifteen in number, may annually elect by ballot, a president, vice-president, secretary and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places.

IV. *And be it further enacted*, That the medical society of the state of New-York, and also the medical societies of the respective counties, shall and may agree upon and determine the times and places of their meeting; and the time so agreed upon shall for ever thereafter be the anniversary day of holding their respective meetings; and it is hereby made the duty of the secretary of each of the county medical societies, to lodge in the office of the clerk of their respective counties, if not already done, a copy of all the proceedings had at their first meeting; and it shall also be the duty of the secretary of the medical society of the state of New-York, in like manner, to lodge in the office of the secretary of this state, a copy of their proceedings had at their first general meeting; and the said clerks and secretary are hereby required to file the same in their respective offices, for which they shall each receive the sum of twelve and an half cents.

V. *And be it further enacted*, That the members now composing the medical society of the state of New-York from each of the four great districts, shall remain divided into four classes, and one class from each of said districts shall go out of office annually.

VI. *And be it further enacted*, That it shall be the duty of the secretary of the medical society of the state of New-York, whenever the seats of any of the members shall become vacant, to give information of the same to the respective county societies, to the end that such county societies may supply such vacancy at their next meeting.

VII. *And be it further enacted*, That in case there shall be an addition to the number of members composing the medical society of the state, that in that case it shall be in the power of the said society at any of their annual meetings, and as often as they shall judge necessary, to alter and vary the classes in such manner as that one fourth of the members from each of the great districts, as near as may be, shall annually go out of office.

VIII. *And be it further enacted*, That if the seat of any member of the medical society of the state of New-York shall be vacated, either by death, resignation, or removal from the county, it shall be the duty of the medical society of such county to fill such vacancy at their next meeting after such vacancy shall happen.

IX. *And be it further enacted*, That the medical societies established as aforesaid, are hereby respectively empowered to examine all students who shall and may present themselves for that purpose, and to give diplomas under the hand of the president and seal of such society before whom such student shall be examined, which diploma shall be sufficient to empower the person so obtaining the same to practice physic or surgery, or both, as shall be set forth in the said diploma in any part of this state.

Its officers,

Medical societies' anniversary meetings.
W. v. 4. 537
Sess. 29. ch.
138. § 3.

Proceedings of first meeting, where deposited.

State society divided into classes.
W. v. 5. 114.
Sess. 30. ch.
104. § 1

Notice how given of vacancies in the state society.
W. v. 5. 114.
Sess. 30. ch.
104. § 2

Classes in the state society may be varied and how.
W. v. 5. 114.
Sess. 30. ch.
104. § 3

Vacancies in state society how filled.
W. v. 5. 114.
Sess. 30. ch.
104. § 4.

Medical societies to examine students.
W. v. 4. 537
Sess. 29. c. 138
sec. 4.
To give diplomas which shall authorize the party to practice

Student if re-
fused diploma
by county so-
ciety may ap-
peal to the
state society
W v 4. 537
Sess 29. c 133
sec 5

And state so-
ciety may
award diplo-
ma on such
appeal

Censors to be
appointed by
the societies
W v 4. 537
Sess 29. c 138
sec 6

Their duty

Persons pro-
hibited from
practising un-
less they
have a diplo-
ma
W v 4. 537
Sess 29. c 138
§ 7
Penalty

Medical so-
cieties may
hold real and
personal
estate
W v 4. 537
Sess 29. c 138
sec 8
Pro. iso. as to
the amount

Societies, their
general pow-
ers to make
by-laws
W v 4. 537
Sess 29. c 138
sec 9

Proviso

Treasurer of
each society

X. And be it further enacted, That if any student who shall have presented himself for examination before any of the medical societies of the several counties of this state shall think himself agrieved by the decision of such society, it shall be lawful for such student to present himself for examination to the medical society of the state of New-York; and if in the opinion of such society the student so applying is well qualified for the practice of physic or surgery, or both, as the case may be, the president of said society shall, under his hand and the seal of such society, give to the said applicant a diploma, agreeable to such decision.

XI. And be it further enacted, That it shall and may be lawful for the several medical societies so established as aforesaid, at their annual meetings to appoint not less than three nor more than five Censors, to continue in office for one year and until others are chosen, whose duty it shall be carefully and impartially to examine all students who shall present themselves for that purpose, and report their opinion in writing to the president of said society.

XII. And be it further enacted, That no person shall commence the practice of physic or surgery within any of the counties of this state until he shall have passed an examination and received a diploma from one of the medical societies to be established as aforesaid; and if any person shall so practice without having obtained a diploma for that purpose, he shall forever thereafter be disqualified from collecting any debt or debts incurred by such practice in any court of this state.

XIII. And be it further enacted, That it shall and may be lawful for the medical societies of the respective counties of this state, and also the medical society of the state of New-York, to purchase and hold any estate real and personal for the use of said respective societies: *Provided,* Such estate, as well real as personal, which the county societies are hereby respectively authorised to hold, shall not exceed the sum of one thousand dollars; and that the estate, as well real as personal, which the medical society of the state of New-York is hereby authorised to hold, shall not exceed five thousand dollars.

XIV. And be it further enacted, That it shall be lawful for the respective societies to make such by-laws and regulations relative to the affairs, concerns and property of said societies, relative to the admission and expulsion of members, relative to such donations or contributions as they or a majority of the members at their annual meeting shall think fit and proper: *Provided,* That such by-laws, rules and regulations made by the society of the state of New-York, be not contrary to, nor inconsistent with, the constitution and laws of this state, or of the United States; and that the by-laws, rules and regulations of the respective county societies shall not be repugnant to the by-laws, rules and regulations of the medical society of the state of New-York, nor contrary to, nor inconsistent with, the constitution and laws of this state or of the United States.

XV. And be it further enacted, That the treasurer of each society established as aforesaid shall receive and be accountable

for all monies that shall come into his hands by virtue of any of the by-laws of such societies, and also for all monies that shall come into the hands of the president thereof for the admission of members, or licensing students; which monies the said president is hereby required to pay over to the said treasurer, who shall account therefor to the society at their annual meetings, and no monies shall be drawn from the treasurer unless such sums and for such purposes as shall be agreed upon by a majority of the society at their annual meeting, and by a warrant for that purpose signed by the president.

liable for
monies
W v 4. 537
Sess. 29. c 138
sec. 10
And to ac-
count therefor

Monies, how
drawn

XVI. *And be it further enacted,* That it shall be the duty of the secretary of each of the said medical societies, to provide a book in which he shall make an entry of all the resolutions and proceedings which may be had from time to time; and also the name of each and every member of said society, and the time of his admission, and also the annual reports relative to the state of the treasury, and all such other things as a majority of the society shall think proper; to which book any member of the society may at any time have recourse; and the same, together with all books, papers and records which may be in the hands of the secretary and be the property of the society shall be delivered to his successor in office.

Secretary of
each society to
keep its
minutes, etc
W. v 4. 527
Sess. 29. c 138
sec 11

And deliver
them, etc to
his successor

XVII. *And be it further enacted,* That it shall be lawful for each of the said medical societies to cause to be raised and collected from each of the members of such society a sum not exceeding three dollars in any one year, for the purpose of procuring a medical library and apparatus, and for the encouragement of useful discoveries in chemistry, botany, and such other improvements as the majority of the society shall think proper.

A medical li-
brary and ap-
paratus, etc
may be pro-
cured by each
society, and
how
W v 4. 537
Sess. 29. c 3
sec 12

XVIII. *And be it further enacted,* That any student who may receive a diploma from the medical society of this state, shall pay to the president thereof on receiving the same, ten dollars; and for each diploma that a student may receive from the medical society of any county, he shall pay to the president thereof on receiving the same, five dollars: *Provided,* That the students who have been examined previous to the twenty-sixth day of May, one thousand eight hundred and twelve, and were entitled to receive diplomas, but who have not received the same, shall not pay therefor more than two dollars.

What sums to
be paid on re-
ceiving diplo-
mas
Sess 35. c 63
sec 1

Provide:

XIX. *And be it further enacted,* That the medical society of this state may elect by ballot at their annual meeting eminent and respectable physicians and surgeons residing in any part of this state, which persons so elected shall be permanent members of the society and entitled to all the privileges of the same: *Provided,* That not more than two such members shall be elected in any one year, and that they receive no compensation for their attendance from the funds of the society.

State society
may annually
elect two
members
thereof, and
how, etc
Sess 35. c 63
sec 2

XX. *And be it further enacted,* That any person who shall practice physic, or surgery, without being regularly licensed, shall forfeit and pay twenty-five dollars for each offence of which he may be duly convicted, to be recovered with costs of suit before any justice of the peace of the county where such penalty shall be incurred, by any person who will prosecute for the same; and

Penalty for
practising
without being
licensed
W. v. 5. 114
Sess. 30. c 104
§ 5
Sess. 35. c 63
§ 3-3 & 35
§ 18 c 6

Provido:

Further proviso.

Copies of each license to be filed in the clerk's office of the county.
Sess. 35, c 63
§ 4

Penalty for neglect.

Clerk's fee for filing

Regular physicians, etc. from another state or country may practice, etc.
W. v 4, 537
Sess. 29, c 138
§ 13

Students required to have studied 3 years before license granted.

Legislature may modify or repeal this act.
W. v 4, 537
Sess. 29, c 138
§ 14
When physicians, etc. of another co. may become members of another co. society.
W. v 4, 537
Sess. 29, c 138
§ 15
This act declared a public act.
W. v 4, 537
Sess. 29, c 138
18

the justice before whom such conviction may be had, shall pay the same to the overseers of the poor of such town where such conviction shall be had, for the use of the poor thereof, whose duty it shall be to prosecute for the same : *Provided*, The person so practising without license, who shall not receive any fee or reward for the same, shall be exempt from the penalty of this act : *And provided also*, That nothing in this act contained shall be construed to extend to debar any person from using or applying for the benefit of any sick person, any roots, bark or herbs, the growth or produce of the United States.

XXI. *And be it further enacted*, That all persons who may be hereafter licensed to practice physic and surgery, shall deposit a copy of such license with the clerk of the county in which such practitioner may reside ; and until such license shall be so deposited, those practitioners who may neglect the same, shall be liable to the penalty of this act, in the same manner as if they had no such license ; and it shall be the duty of the clerk to file such license in his office, for each of which he shall receive twelve and an half cents, and no more, from the practitioner who may deposit the same.

XXII. *And be it further enacted*, That nothing in this act contained shall be construed to prevent any person coming from any other state or country, from practising physic or surgery within this state, such person being duly authorised to practice by the laws of such state or country, having a diploma from a regular medical society : *Provided however*, That none of the societies established as aforesaid shall proceed to the examination of any student in order to license him for the practice, until such student shall have produced satisfactory testimony that he has regularly studied physic or surgery, or both, as the case may be, with one or more reputable practitioner or practitioners, for the term of three years.

XXIII. *And be it further enacted*, That it shall be in the power of the legislature to alter, modify or repeal this act whenever they shall deem it necessary or expedient.

XXIV. *And be it further enacted*, That if there should not be a sufficient number of physicians and surgeons in any of the counties of this state to form themselves into a medical society agreeably to this act, it shall be lawful for such physicians and surgeons to associate with the physicians and surgeons of an adjoining county for the purposes hereby contemplated.

XXV. *And be it further enacted*, That this act shall be and hereby is declared to be a public act.

CHAP. XCI.—(R.L.)

An ACT concerning Turnpike Roads.

Passed April 10, 1813.

[W. v. 3. 590—Ib. v. 4. 600.—Ib. v. 5. 290.]

Commissioners for inspecting turnpike

1. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the

person administering the government of this state, by and with the advice and consent of the council of appointment, to appoint from time to time, not less than three, nor more than five commissioners not interested in any turnpike road in each and every county of this state in which there shall be any turnpike road, and where there is not contained in the law incorporating the company for the purpose of making such road a provision for inspecting the said road, from time to time, and in his discretion, to remove any of the commissioners so to be appointed by him under this act.

II. *And be it further enacted*, That every commissioner appointed or to be appointed by virtue of this act, shall, before he proceed to execute the trust reposed in him, take and subscribe the following oath before one of the justices of the peace of the county for which he is appointed:—"I do swear (or affirm) that I will faithfully, impartially, and according to the best of my judgment and understanding, execute and perform the office and duty of commissioner to inspect turnpike roads in the county (here insert the county for which he is appointed) according to law;" and shall cause such oath to be filed in the office of the clerk of the county, who shall file the same without demanding any compensation therefor.

III. *And be it further enacted*, That whenever complaint is made to the said commissioners, or either of them, that any such turnpike road is out of repair, it shall be the duty of such commissioner or commissioners to whom complaint has been made as aforesaid, to examine the road committed to his or their charge; and if on such examination he or they shall discover the said road not to be in good repair, or shall find any of the gates placed in situations contrary to law, he or they shall, by writing under his or their hands, give notice to the directors of such turnpike road, or any one of them, of such defect or default; and if the president, directors and company, to whom such road belongs, shall not immediately thereupon repair such defect, remove such gate, or throw open the gate or gates on such road, as such commissioner or commissioners shall by such notice as aforesaid require, until such road is repaired or such gate removed, as the case may require, then the said commissioner or commissioners to make complaint to the attorney-general or district-attorney where such road shall be, who is hereby required to cause the said president, directors and company, to be prosecuted in behalf of the people of this state; and if on such prosecution the said president, directors and company, shall be convicted of suffering such turnpike road to be out of repair, it shall be lawful for the court before whom such conviction shall take place, in their discretion to impose a fine not exceeding two hundred dollars: *And further*, That whenever complaint in writing shall be made to any of the said commissioners, that any turnpike road or any part thereof in the county for which he is a commissioner, is out of repair, it shall be the duty of such commissioner to whom such complaint is made, to repair to such part of the said road and to view the same; and if the same shall in the opinion of such commissioner be out of repair, then the said commissioner shall give notice in writing of such defect to the toll-gatherer, or person attending

roads to be appointed.
W. v 3, 589
Sess. 27, c 81
§ 1—W. v 5,
290—Sess. 31
c 67—7 Geo.
3, c 40

Commissioners to take an oath.
W. v 4, 600
Sess. 29, c 160
Oath.

Duty of the commissioners
W. v 3, 589
Sess. 27, c 81
§ 2
[See v. 1, 235
§ 16, where
part of this
provision is
likewise adopted in the
act "relative
to turnpike
companies."]

If their orders are disobeyed to complain to atty. gen. or district attorney, and their duty thereupon.

Penalty on conviction.

When to re-view roads.

When to open
gates, etc.

Penalty on
toll-gatherer
for violating
his act.

How recover-
ed.

When to be
imprisoned
and how long.

Compensation
to commis-
sioners.

When corpo-
ration to pay
penalties of
toll-gatherer.
W. v. 4. 601
Sess. 22, c. 160
§ 5

the gate nearest to the place so out of repair, in the county for which such commissioner is or may be appointed, and shall also in his discretion, in the said notice order such gate or gates to be thrown open, and the gate or gates so ordered to be thrown open, shall immediately after the service of such notice as aforesaid, be opened, and shall remain open, and no toll shall be demanded for passing the same until a certificate is received by the person keeping such gate, under the hand of one of the commissioners aforesaid in such county, that such road is in sufficient repair, and granting permission to shut such gate; and if such keeper of the gate aforesaid shall not, immediately after receiving notice for that purpose as aforesaid, open such gate and keep the same open until permission to shut the same is obtained as aforesaid, or if he shall hinder or delay any person or persons in passing the said gate, or shall take or demand toll from any person or persons passing the same after the notice to throw open such gate has been given as aforesaid, and before such permission as aforesaid hath been granted to shut the same, the toll-gatherer of such gate shall for every such offence forfeit and pay to the party agrieved the sum of ten dollars, to be recovered by an action of debt in the name of the party agrieved, for his own use, before any justice of the peace of the county in which such gate is situate, in which action it shall be sufficient for the plaintiff to declare that the defendant is indebted to him in the sum of ten dollars for demanding and taking toll at such gate as aforesaid, or delaying or hindering such plaintiff in passing such gate (as the case may be) contrary to this act; and it shall be lawful for the plaintiff in such action, if judgment shall be obtained in his favor, to have execution without delay, in the form now in use for the recovery of debts under twenty-five dollars, on which execution it shall be lawful to imprison the defendant until the amount of such judgment with costs shall be paid; and in all cases in which the said commissioners, or either of them, shall adjudge such road to be out of repair, the president and directors shall pay to each of the commissioners viewing such road, the sum of two dollars for each day spent by him or them in viewing such road, which sum the toll-gatherer nearest that part of the road so inspected and adjudged out of repair, shall pay on demand, out of the tolls received or to be received by him, and which such commissioner shall and may on demand and refusal, recover of such toll-gatherer, in an action of debt, with costs of suit; and in all cases in which such commissioner on view shall adjudge such road to be in good order and repair, the person making complaint and demanding such view, shall pay to the commissioner or commissioners aforesaid, the compensation aforesaid, to be recovered in the manner aforesaid.

IV. *And be it further enacted*, That when judgment is obtained against any toll-gatherer on any turnpike for any penalty contained in the act of incorporation, or other misconduct in the capacity of toll-gatherer, and no goods or chattels can be found whereby to satisfy such judgment, the said corporation shall be holden to pay the same; and such corporation may be sued for

the same in an action of debt, with costs, before any court having jurisdiction.

V. *And be it further enacted*, That it shall and may be lawful for the president and directors of each and every turnpike corporation within this state, from time to time to commute with any person whose place of abode shall adjoin to, or be near, any such turnpike road, for the toll payable at the toll-gate nearest to, and on, each side of such place of abode, so as that any such commutation shall not be for a longer time than one year.

Commutation
of toll when
and how made
W. v. 3. 590
Sess. 27 c 81. § 6

VI. *And be it further enacted*, That in all cases of persons meeting each other, on any turnpike road or public highway in this state, travelling with carriages, sleighs, waggons or carts, the persons so meeting shall seasonably turn, drive and convey their carriages, sleighs, waggons or carts, to the right of the centre of the road, so as to enable carriages, sleighs, waggons or carts, to pass each other without interference or interruption, under the penalty of five dollars for every neglect or offence, to be recovered by the party aggrieved in an action of debt in any court having cognizance thereof, with costs of suit.

Carriages, &c.
meeting each
other on turn-
pikes or other
highways to
turn to the
right of each
other
W. v. 3. 590
Sess. 27, c 81
§ 7
Penalty

VII. *And be it further enacted*, That whenever the day of the election of the directors of any turnpike corporations in this state, shall happen to be on Sunday, such election shall in every such case be held on the next day following, any law to the contrary notwithstanding.

If day of elec-
tion be Sun-
day then to
elect directors
next day
W. v. 3. 590
Sess. 27. c. 81
§ 10

[Cases as to Turnpikes, &c. generally.—1 Caines's Rep. 182—1 Caines's cases in error, 86.—3 John. ca. 107.—3 John. Rep. 190, 411—8 Ibid. 150.—9 Ibid. 217, 356, 357.—The first Turnpike Road which was authorised by law to be made in this state, was by an act passed April 1, 1797, between Albany and Schenectady.—*vide* Gr. v. 3. 467—but it was not carried into effect under that act, a subsequent one on different principles, being passed for the purpose.—The next act which was passed for making a turnpike road, was the one of April 4, 1798, called *The Great Western Turnpike Road*, and that may be considered the first turnpike road authorised and carried into effect in this state.—Lor. And. 476.—Sess. 21. c. 88.—After this period, the legislature incorporated several turnpike companies in rapid succession.]

CHAP. LXXVI.—(R.L.)

An ACT establishing Fairs in certain Counties.

Passed April 6, 1813.

[Br. ed. 12.—S.&L. v. 2. 11.—V. S. v. 1. 12, 13.—Ibid. v. 2. 802.—W. v. 5. 409.—Sess. 34. c. 207.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall be held and kept in the county of Dutchess, and in the village of Health, in the town of Kortwright and county of Delaware, and in the village of Johnstown, in the county of Montgomery, respectively, semi-annual fairs, to which it shall be lawful for all persons to resort for the purchase and sale of live stock, agricultural produce, farming utensils, and all articles manufactured in the United States of America.

Fairs in
Dutchess, De;
laware, and
Montgomery,
when and
where held in
said counties.
W. v 5, 409.
§ 33. c. 174.—
sess 34. c.
207.
2 Ed. 3, c 15
27 II. 6. c 5

II. *And be it further enacted*, That the time and place of holding the said fairs respectively, and the limitation thereof, in the county of Dutchess, and in the town of Johnstown, in the

Continuance
and time, and
manner of
holding said
fairs
Reference
supra.

county of Montgomery, shall be determined by five persons, to be appointed in each of the said counties, once in every year, by the first judge thereof, one of which five persons in each county shall be a justice of the peace thereof, and the other four persons in the county of Dutchess shall be members of the society for the promotion of agriculture in the said county, which said five persons so to be appointed shall, in their respective counties, give public notice of the time and place of holding such fairs, and of the terms of their continuance: *And further*, That the said fairs in the village of Health shall be held on the first Tuesday of May, and on the second Tuesday of October, in every year.

Rules and regulations of the fair how to be established. References *supra*.

Clerk of the fair.
2 and 3 Ph.
and M. c. 7.
sec. 2.
Toll to be paid.

How applied.

III. *And be it further enacted*, That the persons so to be appointed as aforesaid, by the first judges of the counties of Dutchess and Montgomery, within their said counties respectively, and the supervisor, assessors, and town clerk of the town of Kortwright, in the said county of Delaware, or a majority of them, shall have power, and they are hereby authorised, within their said counties and villages respectively, from time to time, to make and establish such prudential rules and regulations as they, or a majority of them, shall judge necessary and convenient for the well ordering the said fairs respectively, and shall respectively appoint a proper person as clerk for the said fairs, in each of the said counties, whose duty it shall be to register all sales made at the same, in a book to be kept for that purpose, and to take as toll, one per cent on the proceeds of all sales which take place at said fair, one half of the said toll to be paid by the buyer, and the other half by the seller, out of which toll so to be collected as aforesaid, it shall be the duty of the said clerk to pay all the expenses attending the holding said fairs, and the residue shall be disposed of as follows, viz. In the county of Delaware, to the treasurer of the agricultural and manufacturing society in such county, and in the county of Dutchess to the treasurer of the society for the promotion of agriculture in said county.

CHAP. IX.—(R.L.)

An ACT to restrain Hawkers, Pedlers, and petty Chapmen from selling without License in this State.

Passed February 25, 1813.

[S.&L. v. 1. 276.—Ibid. v. 2. 175.—V. S. v. 2. 557, 759.—J.&V. v. 1. 214.
Gr. v. 1. 176.—K.&R. v. 1. 41.—W. v. 3. 636.—Sess. 27. c. 99.]

Hawkers and pedlers to pay annually certain duties into the treasury
W. v. 3. 636
Sess. 27. c. 99
sec. 1

Duties.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall be paid annually hereafter into the treasury of this state, by every hawker, pedler, and petty chapman, or any other trading person or persons, going from place to place, and travelling either on foot, or with a horse or horses or otherwise, within the state, (except as is herein excepted) and carrying to sell or exposing to sale, any goods, wares or merchandize of the growth, produce, or manufacture of any foreign country without the limits and jurisdiction of the United States, the following duties, to wit; for every person so travelling on foot, the sum of fifty dollars; for every person so travelling

with a single horse or other beast bearing or drawing a burthen, the sum of eighty dollars; and for every person so travelling with a waggon, cart, sled or other carriage, drawn by more than one horse or beast, the sum of one hundred dollars; and for every person conveying goods, wares or merchandizes as aforesaid, for the purpose aforesaid, in any boat or boats navigating any of the waters within the bounds of this state, the sum of eighty dollars.

II. *And be it further enacted*, That every hawker, pedler, or petty chapman so travelling as aforesaid within this state, shall take a license from the secretary of this state, which license shall be issued in the month of April in each year, and at no other time, and in order thereto, shall deliver unto the said secretary a note in writing under his or her hand, or under the hand of some person by him or her authorised in that behalf, how and in what manner he or she will travel and trade, whether on foot, or with one or more horse or horses or other beasts bearing or drawing burthens, or with any sort of carriage or boat as aforesaid; and according to such notification he or she shall pay to the treasurer of this state, the sum or sums above mentioned; and upon producing a receipt from the treasurer, countersigned by the controller, for such sum or sums, the said secretary shall issue such license to be signed as aforesaid, to the person or persons making such payment, permitting him or her to travel with his or her wares and merchandizes for sale, for the term of one year, according to such notification, and shall renew the same yearly in like manner, if applied for, and for which license the person or persons to whom the same shall be granted, shall pay to the said secretary for his services, the sum of two dollars, and no more, over and above the duties aforesaid, and which license so obtained and granted, shall be good and effectual; and the said treasurer shall keep a distinct account of the duties received by virtue of this act.

III. *And be it further enacted*, That the secretary shall, before the tenth day of May in each and every year, transmit a certified list of the names of the several persons to whom licenses have been granted to the several county clerks within this state, whose duty it shall be immediately, upon the receipt thereof, to send a transcript of such list to every judge, assistant justice, and justice of the peace, who shall at the time be in commission in and for said county.

IV. *And be it further enacted*, That when and as often as any hawker, pedler, or petty chapman, shall be found trading or disposing of goods as aforesaid, without or contrary to such license, such person shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be recovered on the complaint of any one who will sue for the same before any justice of the peace within this state, in a summary way, with costs of suit, one moiety whereof, when recovered, shall be paid to the informer, and the other moiety to the overseers of the poor of the town where such offender shall be prosecuted, for the use of the poor thereof: And if any offender who shall be so trading, on demand made by any justice of the peace, sheriff, constable, or any other person within

8 and 9 W. 3.
c 25
9 and 10 W.
3, c 27
3 Ann. c. 4
7 Ann. c. 7.
1 Geo. 1. c. 12

Licenses to be issued to them; how, and by whom.
W. v 3. 636.
Sess. 27. c 99
sec. 2
Sess. 34. c 89
sec. 3

To be renewed yearly, if applied for.

Fees to secretary of state.

Secretary of state to transmit to every county clerk a list of the names of persons licensed.
Sess. 34, c 89
sec. 3

Penalty on unlicensed hawkers and pedlers, and on such as trade contrary to their license.
W v 3. 636.
Sess. 27. c 99
sec. 3

Penalty for refusing to produce license when required.

this state, shall refuse to produce or shew his or her license therefor, he or she shall forfeit the sum of ten dollars, to be paid to the overseers of the poor where such demand shall be made, for the use of the poor of the town, and on neglect or refusal to pay the same, the justice before whom such offender shall be convicted, shall, by warrant under his hand and seal, commit such offender to the gaol of the county where the offence shall be committed, for the term of one month.

When to be committed, and how long, if not paid.

If any person forge a license or travel therewith.
W. v. 3. 636.
Sess. 27. c. 99
sec. 4

V. *And be it further enacted*, That if any person or persons shall forge or counterfeit any such license, or travel with any forged or counterfeited license, for the purpose aforesaid, such person shall be deemed guilty of forgery, and being convicted thereof, shall be punished accordingly.

Persons sued for executing this act, may plead the general issue.
W. v. 3. 636.
Sess. 27. c. 99
sec. 5.

VI. *And be it further enacted*, That if any person or persons shall be sued, molested, or troubled for putting in execution this act, for doing any matter or thing pursuant thereto, such person or persons shall and may plead the general issue, and give the special matter in evidence, and if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her or their action, or if a verdict or judgment pass against him, her or them, the defendant shall recover treble costs for which execution shall issue, as in other cases where costs are recovered by defendants.

and recover treble costs.

Any person may apprehend an unlicensed pedler, and bring him before a magistrate for trial.
W. v. 3. 636.
Sess. 27. c. 99.
sec. 6.

VII. *And be it further enacted*, That it shall be lawful for any person to apprehend and detain any such hawker, pedler, or petty chapman, or other trading person as aforesaid, who shall be found trading without license contrary to the true intent and meaning of this act, and him or her so apprehended, to bring before any justice of the peace of the county or town where such offender shall be, which justice is hereby authorised and directed, either upon the confession of the party offending, or due proof of one or more credible witness or witnesses, upon oath, that the person so brought before him had so traded as aforesaid; and if no such license shall be produced by such offender, such justice shall, for every such offence, by warrant under his hand and seal, directed to any constable of the town wherein such conviction shall be had, cause the sum of twenty-five dollars, with costs, to be forthwith levied by distress and sale, at public vendue, of the offender's goods, wares and merchandizes, which costs, not exceeding five dollars, shall be ascertained and allowed by such justice.

and on proof of trading, and not producing license therefor, to be convicted.
Penalty and costs how collected.

If pedler, etc. refuse to produce his license, his subsequent production before the justice, is no remission of a part of the fine.
W. v. 3. 636.
Sess. 27. c. 99
sec. 7

And in order to prevent any unnecessary trouble to any person or persons who shall suspect any such hawker, pedler, or petty chapman or other person, of trading without a license,

VIII. *Be it further enacted*, That on refusal to produce such license to any person demanding the same, and although it be afterwards produced to the justice before whom the offender shall be brought, such offender, for such refusal, shall forfeit and pay to the person demanding the same, the sum of five dollars, to be levied and collected with costs in manner aforesaid: *Provided always*, That all suits to be brought for any offence against this act shall be brought within sixty days after the offence shall be committed.

IX. *And be it further enacted*, That in all cases of prosecution for any of the offences herein before mentioned, and wherein the defendant shall refuse to shew his licence, or to make known his name to such person as will prosecute previous to the commencement of such action, the plaintiff shall not be liable to pay to such defendant any costs for the misnaming of such defendant, nor shall the said plaintiff, constable, nor the justice before whom any such offender as aforesaid, shall have been tried, be liable to any action for falsely imprisoning such defendant as aforesaid.

Pedler, etc. refusing to shew his licence, or to give his name, not entitled to costs for misnomer. W. v. S. 636. Sess. 27. c. 99. sec. 8. Party apprehending him, etc. not liable for false imprisonment.

CHAP. XXI.—(R.L.)

An ACT concerning Strays.

Passed February 25, 1813.

[Br. ed. 6.—S.&L. v. 1. 306.—V. S. v. 1. 223.—Ib. v. 2. 645.—J.&V. v. 2. 389.—K.&R. v. 1. 149.—W. v. 5. 481.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That every person who, at any time hereafter, between the first day of November and the first day of April, in any year, shall have any strayed neat cattle, horses or sheep, upon his or her enclosed lands, shall, within twenty days after the coming of such strayed neat cattle, horses or sheep, into his or her enclosed land, deliver unto the clerk of the city or town, where such neat cattle, horses or sheep, shall happen to be, a note in writing, containing their several ages, colours and marks, natural and artificial, as near as may be, together with his or her name, and place of abode; and such clerk shall, on receipt of every such note, make a full entry thereof at large in a book to be provided by him for that purpose; and such clerk shall have, for making such entry, the sum of six cents per head, for all the neat cattle and horses, and the sum of three cents for each sheep, so entered as aforesaid, to be paid to him by the person delivering such note; and the person delivering such note, shall have, for doing the same, nine cents per head for all neat cattle and horses, and three cents for every sheep described in such note, and may detain such cattle, horses and sheep, until the owner thereof shall appear and pay the same, together with the sum paid or due, to the clerk for the said entry, and all reasonable charges for keeping the same cattle, horses or sheep: *Provided always*, That such reasonable charges be first ascertained and determined by the fence-viewers, or by the town-clerk of such city or town, unless the owner and the person claiming such charges, can otherwise agree.

Strays, how to be disposed of. W. v. 5. 481. Sess. 32. c. 104. sec. 1. 1 Bl Com. 310. book 1. c. 8. 1 Roll. Abr. 889—1 & 2 Ph. & M. c. 12. 52 H. 3. c. 1

Description of them to be delivered to town-clerk.

Who shall make an entry thereof. Fees of town-clerk.

Compensations paid the finder or distrainer.

Proviso.

II. *And be it further enacted*, That every person who shall have kept any such strayed neat cattle, horses or sheep, and recorded the same as aforesaid, shall, between the first day of May and the twentieth day thereof, give notice to one of the assessors of the town in which such neat cattle, horses or sheep may be, whose duty it shall be to ascertain, according to the best of

Keeper of a stray to give notice to one of the assessors of the town. W. v. 5. 481. Sess. 32. c. 104. § 2

Who shall ascertain and certify the charges of keeping. Assessors compensation.

his knowledge and judgment, the reasonable charges of keeping every such neat cattle, horses or sheep, and give the person applying for the same a certificate of such charges, for which the said assessor shall be paid, by the person applying for the same, six cents per mile for every mile the said assessor shall be obliged to travel from his house to the place where such stray is kept, to do the same, and twenty-five cents for said certificate.

If no owner appear, or if appearing, shall not pay the charges. W. v. 5. 481. Sess. 32. ch. 104. sec. 3

III. *And be it further enacted*, That if no owner shall appear to claim the said cattle, horses or sheep, on or before the first day of May next after such entry so made, or if the owner shall refuse or neglect to pay for giving such notice and making such entry, obtaining such certificate and keeping such cattle, horses or sheep, then the possessor, or the person who shall have kept them, and given such notice as aforesaid, is hereby authorised to sell the same at vendue, to the highest bidder, first giving at least twenty days notice of the time and place of such sale, by advertisement to be put up at three of the most public places

Then stray to be sold at vendue, after public notice.

Proceeds of sale, how disposed of.

in the city or town where the said neat cattle, horses or sheep have been kept; and out of the monies arising from such sale, to retain in his or her hands, for his or her own use, the sums due as aforesaid, for such notice, entry, and obtaining such certificate, and also the sum specified in said certificate for keeping the same

Residue.

cattle, horses or sheep, and no more, and shall, upon demand, pay the residue, after deducting the reasonable charges of such sale, to the owner of the same cattle, horses or sheep, but if the owner of such cattle, horses or sheep, shall not appear and demand the same within one year after such sale, he or she shall be and hereby is forever precluded and barred from recovering any part of the money arising from such sale; and the same money, after such deduction as aforesaid, shall in such case, be paid to the overseers of the poor of such city or town, for the use of the poor thereof; and the receipt of the said overseers shall be a legal discharge to the possessor or person who shall have kept such cattle, horses or sheep; and if such possessor shall not within thirty days, after the expiration of the said year, pay the remaining money arising from such sale, after the deduction aforesaid, to the overseers of the poor of the city or town where such neat cattle, horses or sheep, were taken up and sold as aforesaid, he or she shall forfeit double the sum so remaining in his or her hands, for the use of the poor of the same place, to be recovered over and above, and together with the said remaining money, with costs of suit, by the overseers of the poor of the same city or town for the time being, by action of debt, in any court having cognizance thereof.

Owner barred if he do not appear. Residue then to the overseers of the poor.

Penalty, if not so paid to them.

Book of entries of strays to be kept open to examination without fee. W. v. 5. 481. Sess. 32. ch. 104. sec. 4. Penalty.

IV. *And be it further enacted*, That the book to be provided and kept by the respective clerks of each city or town as aforesaid, shall always by them be kept free and open for any person to search therein, and for which search no fee shall be taken by such clerk, on penalty of forfeiting one dollar for every offence, to be recovered by the party agrieved, with costs of suit, before any justice of the peace in the county where the offence shall be committed.

CHAP. XI.—(R.L.)

An ACT to prevent the destruction of Deer.

Passed February 25, 1813.

[Br. ed. 70.—S.&L. v. 2. 144.—V.S. v. 1. 74, 371, 372, 431.—Ibid. v. 2. 541, 562.—J & V. v. 2. 365.—Gr. v. 2. 193.—K & R. v. 1. 147.—W. v. 3. 341.]

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That if any person or persons shall kill or destroy any wild buck, doe or fawn, or any other sort of deer whatsoever, at any time in the months of January, February, March, April, May, June or July, every such person shall, for every buck, doe or fawn, or other deer, so killed or destroyed as aforesaid, contrary to the true intent and meaning of this act, forfeit and pay the sum of twelve dollars and fifty cents, to be recovered with costs of suit in any court having cognizance thereof, by any person or persons who will sue and prosecute for the same, the one moiety of which forfeiture, when recovered, to be paid to the overseers of the poor of the town or place where the offence shall be committed, for the use of the poor thereof, and the other moiety to such person or persons as shall sue and prosecute for the same as aforesaid.

Deer not to be killed in certain months under a penalty.
K&R. v. 1. 147.
§ 1.
9 H. 3. st. 2.
c 10.
5 Ll. c 21.
19 H. 7. c 11.
3 Jac. 1. c 13.
32 H. 8. c 11.
3 and 4 Ed. 6.
c 17.
9 Geo. 1. c 22.
5 Fl. c 21.
7 J. c. 1. c 13.
13 Car. 2. c 10
3 W. & M. c 10
9 Geo. 1. c 23.

II. *And be it further enacted,* That every person in whose custody shall be found, or who shall expose to sale, any green deer-skin, fresh venison or deer's flesh, at any time in any of the months before mentioned, and shall be thereof convicted before any justice of the peace, by the oath of one credible witness, or by the confession of the party, shall, unless such party shall prove that some other person killed such buck, doe, fawn or other deer, be deemed and adjudged guilty of the said offence.

Possessor of a green deer-skin, etc. adjudged guilty of the offence.
K&R. v. 1. 147.
§ 2.
Unless he prove who killed the deer.

And in order the more easily to convict offenders against this act,

III. *Be it further enacted,* That it shall be lawful for any justice of the peace in any county of this state, and every such justice is hereby required, upon demand made by any person assigning a reasonable cause of suspicion, upon oath, (of the sufficiency of which the said justice is to judge) at any time in any of the months before mentioned, to issue his warrant, under his hand and seal, to any constable of any town or place within the same county, for searching in the day time, in any house, store, out-house or other place whatsoever, where any green deer-skin, fresh venison or deer's flesh, is suspected to be concealed; and in case any green deer-skin, fresh venison or deer's flesh, shall, upon such search, be found, the person in whose custody the same shall be found, or who shall conceal the same, shall forfeit the sum of twelve dollars and fifty cents, to be recovered and applied in manner aforesaid.

Search warrants may be issued, and proceedings thereon.
K&R. v. 1. 147.
§ 3.

IV. *And be it further enacted,* That if any person or persons shall at any time hunt, pursue or destroy any wild buck, doe or fawn, or other deer, with any blood-hound or blood-hounds, beagles.

Deer not to be pursued with blood-hounds or beagles.

K&R. v. 1. 147
§ 4
3 Jac. 1. c 13
19 H. 7. c 11
3 Jac. 1. c 13

gle or beagles, every such person shall for every such offence forfeit and pay the sum of twelve dollars and fifty cents, to be recovered and applied as aforesaid: *Provided*, That nothing in this clause of this act contained shall be construed to prevent any person or persons from making use of any blood-hounds or beagles in the hunting, pursuing or destroying of wolves or other destructive wild animals.

Neither pits
or traps, etc.
to be set for
deer, nor shall
they be watch-
ed at night,
etc.
W. v 3, 311
Sess. 26, c 97
§ 1
32 H. 8. c 11
3&4 Ed. 6,
c 17
9 Geo. 1. c 22

V. *And be it further enacted*, That if any person or persons shall set any trap or traps, or set up any sharp stick or sticks, or spear or spears made of iron, out of or in any pit or pits, for the purpose of catching deer, or shall in the night time watch for the purpose of shooting deer, within the space or distance of thirty rods from any road or highway, such person or persons shall for every such offence forfeit the sum of twenty-five dollars, to be recovered and applied in manner aforesaid.

CHAP. LXXI.—(R.L.)

An ACT to prevent the passing and receiving of Bank Notes less than the nominal value of One Dollar, and to restrain Unincorporated Banking Associations.

Passed April 6, 1813.

[W. v. 3. 615.—Ibid. v. 5. 224.]

The passing,
etc. of bank
bills of less
than the no-
minal value of
one dollar
prohibited.
W. v. 5, 224
Sess 30. c 173
15 Geo. 3. c 51
17 Geo. 3. c 30
37 Geo. 3. c 28

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That no person or persons whomsoever within this state, shall give or receive in payment of any debt or demand whatsoever, or in any way attempt or offer to circulate any bank bill or promissory note of any banking company within this state or elsewhere, for the payment of money which shall be for less than the nominal value of one dollar, and any person offending against this act, either as giver, receiver or circulator, of such bank bill or promissory note, shall forfeit and pay the nominal amount or value of such bank bill or promissory note, so given or received, or attempted or offered to be circulated, to be recovered with costs of suit in any court within this state having cognizance thereof, by action of debt, by any person who will sue for the same, to his or her own use: *Provided*, That such suit or action be brought or commenced at any time within thirty days after the offence be done and committed.

Penalty

Limitation.

Unincorporated
banking
associations
prohibited.
W. v 3, 615
Sess. 27. c 117

II. *And be it further enacted*, That no person, unauthorised by law, shall subscribe to, or become a member of any association, institution or company, or proprietor of any bank or fund for the purpose of issuing notes, receiving deposits, making discounts, or transacting any other business which incorporated banks may or do transact by virtue of their respective acts of incorporation: and if any person, unauthorised by law as aforesaid, shall hereafter subscribe or become a member or proprietor as aforesaid, he shall forfeit and pay for every such offence the sum of one thousand dollars, to be recovered by any person who shall sue for the same, in an action of debt, one half thereof to his own use, and

Penalty

the other half to the use of the people of this state; and all notes and securities for the payment of money or the delivery of property, made or given to any such association, institution or company, not authorised as aforesaid, shall be null and void.

[*Note*.—The Legislature, on the 11th April, 1782, declared, by an act for the purpose, that the “Bank of North America” should be a body politic and corporate in this state, and *prohibited* the establishment of other banks *during the war*—Gr. v. 1. 50. On the 21st March, 1791, “the Bank of New-York” was incorporated, being the first bank incorporated *after the war*, in this state—Gr. v. 2. 360. Other banks were afterwards incorporated with liberal privileges, and some of their charters have been extended by subsequent acts of the Legislature.—*See the titles of the acts of incorporation, &c.* furnished in this volume.—There were no incorporated banks here during the *colonial government*.]

CHAP. XXXIV.—(R.L.)

An ACT to prevent the stopping and embezzling of Timber floating on the Hudson river.

Passed March 19, 1813.

[W. v. 3. 640.—Ibid. v. 4. 621.—Sess. 35. c. 215.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That if any person or persons shall stop, take up, draw to, or lodge on, the shore of Hudson river, or on any island therein north of the south boundary line of the city of Albany on either shore of the said river, any logs, timber, boards or plank, without the consent of the owner or owners thereof, every person offending in the premises, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered in any court having cognizance thereof, by any person who shall prosecute for the same, the one half of which forfeiture, when recovered, shall go to the overseers of the poor of the city or town where the offence was committed, for the use of the poor thereof, and the other half to the person suing or prosecuting the same to effect; and all persons so offending, shall also be liable to the owner or owners of such logs, timber, boards or plank, for his, her or their damages: Provided always, That it shall be lawful for the common council of the said city to appoint one or more persons resident therein to take into possession, for the owner or owners, any such logs, timber or plank, for such compensation, and in such manner as the said common council shall prescribe, in case the said owner or owners shall be unknown, and have no agent in the said city for the purpose; but such compensation shall, in case of dispute, be settled by two of the nearest fence-viewers where such lumber may be found: And provided further, That the person or persons, so to be appointed by the said common council, shall file a description of such lumber, in the time and manner directed by the fourth section of this act, and in case no owner shall claim the same within the time limited by the fifth section of this act, it shall be lawful for the said common council to direct a sale thereof in the manner directed by the said fifth section, and the proceeds of such sale shall be*

Logs, timber, &c. afloat in the Hudson river not to be taken up but by consent of owner, &c.
Sess. 35 c. 215

Penalty

Proviso
The common council of Albany may appoint persons to take such timber, etc. into possession

Further proviso
A description of the timber to be filed, etc

When and how to be sold

paid to the chamberlain of the said city; and the owner, or his representatives or assigns, shall at any time within twelve months thereafter, be entitled to demand and receive the same from the said chamberlain, after deducting all the incidental expenses attending the seizure and sale thereof; but after the said twelve months, such monies shall be and remain for the use of the said city.

Altering, etc.
marks on tim-
ber prohibited
Sess. 35 c 215

Also convert-
ing the same
Penalty

Also party lia-
ble to the
owner

Owner of land
on which tim-
ber, &c. may
float, entitled
to compensa-
tion
Sess. 35 c 215

In case of dis-
agreement,
how settled

Owner of land
on which tim-
ber floats, &c.
required to file
a description
thereof, and
when and
where
Sess. 35 c 215

Extraj

II. *And be it further enacted*, That if any person or persons shall cut out, alter or deface any mark, or put a false mark upon any logs, timber, boards or plank, either afloat on any part of said river, or lying on the bank or shore, or on any land where the same may have drifted, or shall convert any such logs, timber, boards or plank, to his, her or their use, not being the owner thereof, every such person or persons shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be recovered in any court having cognizance thereof, by any person who shall prosecute for the same, the one half of which forfeiture, when recovered, to be paid to the overseers of the poor of the city or town where the offence is committed, to the use of the poor of such city or town, and the other half to the person suing or prosecuting the same to effect: and all persons so offending shall also be liable to the owner or owners of such logs, timber, boards or plank, to double the value of such logs, timber, boards or plank, which shall be so falsely marked, or on which the mark shall be so cut out, defaced or altered, or which shall be so converted.

III. *And be it further enacted*, That it shall and may be lawful for the owner or owners of any logs, timber, boards or plank, wherever the same may have been drifted or carried, to take the same away, paying to the owner or possessor of the land on which the same may be found, the amount of the damages he, she or they may have sustained by reason thereof, and also the damages which may accrue in removing the same; and if the parties disagree as to the same, it shall be lawful for either party to apply to any two of the nearest fence-viewers where such lumber may be found, and not interested therein, whose duty it shall be to determine the same at the expense of the owner of such lumber, and whose decision shall be conclusive.

IV. *And be it further enacted*, That when any timber, logs, boards or plank, in rafts or otherwise, shall be lodged on the bank or shore on either side of the said river, or any island therein; and if the owner or owners shall not, within three months from and after the time such lumber shall be so lodged, take the same away, then it shall be lawful for such owner or possessor of the said land on which the same may be lodged, to describe such lumber, the quantity and mark or marks thereof, and place where the same is lodged, as near as may be, and lodge the said writing with the clerk of the city or town where said lumber shall be found, which writing shall be filed by such clerk in his office; and it is hereby made the duty of such clerk to file the same for the inspection of any person who shall request it: *Provided always*, That nothing in this act contained shall be construed to make the owner or possessor of the land whereon the lumber shall be lodged, liable for the same, unless by such owner or pos-

essor the same shall be afterwards converted or taken by his, her or their connivance.

V. *And be it further enacted*, That if no person, shall, within six months after the filing of said writing as aforesaid, claim such logs, timber, boards or plank, then and in such case it shall be lawful for the owner or possessor of the land whereon the same shall be drifted or lodged, to inform the clerk of such city or town thereof, in writing, from under his, her or their hand, and such clerk shall cause such lumber to be sold at public vendue, to the highest bidder, after giving notice of the time and place of such sale, by writing, under his hand, to be set up in at least three of the most public places in such city or town, not less than twenty-one days previous to such sale, and one half of the nett proceeds of such lumber shall be paid to the treasurer of the county wherein the same shall be found, to be appropriated in discharging the contingent expenses of such county, and the residue thereof to the owner or possessor of the land on which the same shall have lodged as aforesaid: *Provided however*, That nothing contained in this act shall be construed to include that kind of lumber called drift wood.

If no claim is interposed in 6 months, timber, etc. to be sold!
Sess 35. c 215

How and when

Proceeds how applied

Provide

VI. *And be it further enacted*, That from and after the passing of this act, every person who shall put any logs or timber into the river Hudson or its branches, to the northwest of Baker's falls (so called) for rafting or floating down said river or its branches, shall put his, her or their mark in a conspicuous place upon each log or stick of timber so put into said river, or its branches, above the aforesaid place, and cause, his, her or their mark to be recorded by the town clerk of Queensbury, whose duty it shall be to enter the same in a book to be kept by him for that purpose; which mark shall be different from any mark previously recorded; and every person neglecting or refusing to enter his, her or their mark, as required by this act, shall in no wise be entitled to any of the benefits or advantages arising from the same, but shall forever be debarred therefrom; and the assignee or vendee of any such logs or timber, shall be subject to the like regulations and restrictions; and the said clerk shall be entitled as a compensation for entering the mark of any person, to the sum of twenty-five cents, to be paid by the person requesting his, her or their mark so to be entered; and the book kept by the said clerk as aforesaid, shall be subject to the inspection of any person requiring the same: *Provided*, That nothing in this act contained, shall be construed to deprive any person or persons of the privileges thereof, who shall put any logs, timber, boards or plank in said river, south of Baker's falls.

Marks to be put on timber put into the river north west of Baker's falls
Sess 35. c 215

And marks, etc also to be recorded

Penalty for neglecting sp to do

Clerk's compensation

Provide

VII. *And be it further enacted*, That a certificate of the clerk of the said town of Queensbury, shall be received as evidence in any court within this state where any cause shall be pending, of the entry of the mark of any person in the book kept by him for that purpose.

Clerk of Queensbury's certificate good evidence etc
Sess 35. c 215

CHAP. LXII.—(R.L.)

An ACT relative to the Fishery in certain Waters.

Passed April 5, 1813.

[K.&R. v. 1. 422.—W. v. 3. 369, 480.—Ibid. v. 5. 110, 184, 189, 252.—
Sess. 33. ch. 86.—Sess. 34. ch. 156.—Sess. 35. ch. 89.]

1. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any person to draw any seine, set any net, make any wier or other obstructions in the following rivers, running into Lake Ontario, viz: The big Salmon river or creek, or within one hundred rods from the mouth thereof, Oswego river, Grass river, Racket river, St. Regis river, Wood creek, Fish creek, and the different branches which empty into the said streams, whereby the salmon may be diverted or prevented from pursuing their usual course up the said rivers, creeks or streams; and every person offending herein, shall, for every such offence, forfeit twenty-five dollars, besides the salmon he may take by such seine, net, wier or other obstruction, to be recovered with costs of suit by action of debt, in any court having cognizance thereof; the one half of which forfeitures, when recovered, shall be paid to the prosecutor, and the other half to the overseers of the highways of the town where such recovery shall be had, to be applied to the repairing of the roads in such town.

11. And be it further enacted, That it shall not be lawful for any person to make any dam across any part of the said rivers or creeks below where salmon are found, so as to prevent the usual course of the salmon from going up the said rivers or creeks; and every person so offending shall, for every such offence, forfeit five hundred dollars, to be recovered as aforesaid, for the uses aforesaid, and such dam shall be adjudged a public nuisance.

III. And be it further enacted, That the owner or owners of mill or other dams, which were on the twenty-eighth day of March, one thousand eight hundred, made across any river or creek running into Lake Ontario, Erie or Champlain, so as to obstruct the usual course of the salmon in going up said rivers or creeks, and who shall not, on or before the first day of October, in the year eighteen hundred and one, have so altered such dam, by making a slope thereto, not exceeding forty-five degrees, and planking in such smooth manner that salmon may easily pass over into the waters above the dam, or by removing the obstructions of such dam in any other manner, so that salmon may freely pass into the waters above such dam, shall respectively forfeit a penalty of two hundred dollars, to be recovered and applied as aforesaid; and in case such dam shall not have been so altered within the time above mentioned, such dam shall be adjudged a public nuisance: *And further,* That the owner or owners of any mill or other dams, which shall have been erected across Oswego river, Grass river, Racket river, St. Regis river, Wood creek, Fish creek, or the branches which empty into the same, or either of

W. v. 3. 480
W. v. 5. 184
St. W. m. 2
13 Ed. 1. c 47
2 Bl. om 39,
40, 417
M. C. c 16
Mir. c 5. § 2
31 Ed. 3 st. 3
e 2
2 H. 6. c 15
4 H. 7. c 21
1 Ll. c 17
3 Car. 1 c 4
1 Geo. 1. c 18
5 Ed. c 21
27 Ed. c 21
1 Jac. 1. c 23
3 Jac. 1. c 12
13 and 14. Car
2. c 28
30 Car. 2. c 9
20 Geo. 2. c
21, 30
5 Geo. 3. c 14—13 R. 2. st. 1. c 19.—25 H. 8. § 7.—4 Ann. c 21.—1 Geo. 1. c 13
9 Ann. c 26.—23 Geo. 2. c 26.

No dams to be made so as to obstruct salmon, etc. in said waters
K and R. v 1
423

Penalty

Owners of certain dams liable for not having altered, etc. the same by a certain day past
K and R. v 1
422 § 3

Penalty

The like as to certain other dams, etc.
W. v 3. 480
sec 3

them, before the first day of October, one thousand eight hundred and four, and which shall not have been removed by that day, shall alter the same in the manner herein before directed, under the penalties herein before mentioned in this section.

IV. *And be it further enacted*, That if any person shall make any obstruction in the Seneca river, whereby the salmon may be prevented from going up the said river, the person creating such obstruction shall for every offence forfeit the sum of one hundred dollars, to be recovered with costs in an action of debt, by any person who shall sue for the same, in any court having cognizance thereof: *And further*, That all obstructions which have heretofore been made in the said river, whereby salmon are prevented from going up the said river, shall be removed, so as to leave a free passage for salmon up the said river, in default whereof, the person who shall have made such obstruction shall forfeit the sum of one hundred dollars, to be recovered with costs in manner aforesaid.

Certain obstructions in the Seneca river punishable. W. v 3, 369 § 16

And certain former obstructions to be removed.

V. *And be it further enacted*, That it shall not be lawful for any person to fish with a net or seine in the waters of Otsego Lake, between the twenty-fifth day of May and the first day of October in any year, and every person offending therein shall for every such offence forfeit and pay ten dollars, to be recovered by action of debt, with costs, before any justice of the peace, by and for the use of any person prosecuting for the same.

Fishing with nets in the Otsego lake at certain periods prohibited. K. & R. v. 1. 423. § 4. W. v 5, 189 § 2

VI. *And be it further enacted*, That it shall not be lawful for any person to take any salmon in any of the waters of Fish creek or Wood creek, in the county of Oneida, by net, hook, spear, or any other device whatsoever, in the months of October or November in any year, and every person herein offending shall, for every salmon so taken, forfeit the sum of three dollars, to be recovered with costs of suit, by action of debt, in any court having cognizance thereof, by any person who will prosecute for the same, the one half of which forfeiture, when recovered, shall be for the use of the person who shall prosecute therefor, and the other half shall be paid to the overseers of the poor of the town in which such recovery shall be had, for the support of the poor of said town: *Provided*, That nothing herein contained shall abridge the right of the Oneida nation of Indians of taking salmon in the waters of the said creeks with spears, or with hooks and lines.

Fishing for salmon in Fish or Wood creeks by nets, hooks, etc. prohibited. Sess. 33, c 8 § 1 Penalty

Proviso, as to the Indians fishing, etc.

VII. *And be it further enacted*, That no person shall take or catch, or cause or procure to be taken or caught, in any river, stream, kill, creek, brook or pond, within the towns of Hillsdale and Claverack, in the county of Columbia, and in the streams or creeks within the county of Albany, any of the species of fish called trout, with or by means of any net, wier, spear, harpoon or decoy of any kind, or in any manner whatever, other than with the hook and line, or by some manner of angling therewith; and if any person shall take and catch, or cause or procure to be taken and caught, any trout, against the true intent and meaning of this section, such person shall forfeit for every trout so by him taken and caught, or so by him caused and procured to be taken and caught, the sum of one dollar, to be recov-

Trout not to be taken by net, etc. in creeks in Hillsdale, Claverack or Albany county. Sess. 35, c 8 § 1 EL. c 17. § 3

Penalty.

vered with costs of suit in any court having cognizance thereof, in an action of debt, by any person who shall prosecute for the same.

Fish in Lake George and in the creeks emptying into it, not to be taken by seines, spears, etc.
Sess. 35, c 89
Penalty.

VIII. *And be it further enacted*, That it shall not be lawful for any person to draw any seine, set any net, or spear any fish, within the waters of Lake George, or at the outlet of the creeks emptying into the same; and every person offending therein shall for every such offence forfeit the sum of ten dollars, to be recovered with costs in any court having cognizance thereof, in an action of debt, the one half of which forfeiture, when recovered, shall be paid to the overseers of the poor of the town where such offence was committed, for the use of the poor thereof, and the other half to the person prosecuting for the same.

Fish not to be taken or obstructed in Croton river, etc. by wien, etc. at certain periods.
Sess. 34, c 156
§ 1
Penalty.

IX. *And be it further enacted*, That if any person shall, in the months of April or May in any year hereafter, either by night or by day, set or place, or cause to be set or placed, any fike, wier, stake or shingles, or any other device whatever, in or across Croton river, in any place or places between the extreme of said river where it empties into Croton bay, and the place where the Croton turnpike road now crosses the said river in the town of Somers, for the purpose of obstructing the run of fish in said river, such person shall for every such offence forfeit and pay the sum of twenty-five dollars, to be recovered by action of debt, with costs of suit, by and for the use of any person who will prosecute for the same, before any justice of the peace in and for said county; and the person so offending shall moreover be deemed guilty of a misdemeanor, and be prosecuted accordingly by indictment or otherwise.

Shad fishery in Croton river regulated.
Sess. 34, c 156
§ 2
Penalty.

X. *And be it further enacted*, That the only time of fishing for shad in said river, within the limits aforesaid, in the months of April and May in any year, shall be between sun rising and sun setting, and not otherwise, on penalty of twenty-five dollars for every offence against the provisions of this section, and to be recovered and applied in the manner mentioned in the preceding section.

Oyster-beds on Staten-Island and not to be staked off.
W. v 5, 110
§ 1
Penalty

XI. *And be it further enacted*, That it shall not be lawful for any person to stake off any oyster-bed on the west or south side of Staten-Island, or to prevent or interrupt any person from taking or carrying off oysters from any such bed lying to the west or south of said Island, under the penalty of twenty dollars for every such offence, to be recovered with costs of suit, by any person suing for the same, before any justice of the peace: *And further*, The free use of the land belonging to the people of this state, below high water mark on the said Island, and of the waters surrounding the said Island, shall be and the same is hereby permitted to any citizen of this state, until the sense of the legislature shall be otherwise declared: *Provided*, That nothing herein contained shall be deemed to authorise any impediments or obstructions to the free navigation of the said waters as now used: *And provided further*, That this section shall not apply to the land and water of the state at the quarantine ground, or be deemed in any respect to interfere with the laws and regulations respecting quarantine, or the duties and powers of the health-officer.

Certain land round said Island declared free.
W. v 5, 251
§ 1
Proviso

Further proviso.
150.

XII. *And be it further enacted*, That if any person shall im-
pede, interrupt or molest, any citizen of this state while in the
enjoyment of the free use of the land and waters aforesaid, the
person so offending shall be deemed guilty of a misdemeanor,
and shall be fined by any court having cognizance thereof, in
a sum not exceeding fifty dollars, or be imprisoned for a time
not exceeding thirty days: And all offences against the provi-
sion of this section shall be deemed and adjudged to be com-
mitted within the body of the county of Richmond, and shall
be cognizable in any court of oyer and terminer or general ses-
sions of the peace held in and for said county.

Penalty for
obstructing
the free use of
the said land
W. v. 5, 252
§ 2, 3

Offices
where and
how triable

XIII. *And be it further enacted*, That it shall not be lawful
for any person or persons to take or catch, or cause or procure
to be taken or caught, any of the species of fish called trout
or suckers, by means of any seine, schoops or set-net, in the
creek commonly called Roeloff Jansen's kill, or Ancram creek,
in the county of Columbia, at any time between the first days
of April and December in each and every year after the pass-
ing of this act, and every person offending therein shall for ev-
ery such offence forfeit the sum of five dollars, to be recovered
in an action of debt in any court having cognizance thereof,
with costs of suit, which forfeiture, when recovered, shall be paid
to the overseers of the poor of the town where such offence
was committed, for the use of the poor thereof.

Trout and
suckers not to
be taken in
Roeloff Jansen's
kill or Ancram
creek by seines,
etc. during certain
periods

Penalty

XIV. *And be it further enacted*, That from and after the first
day of June next, no person shall take or catch, or cause or
procure to be caught, in the pond called Whiting's pond, in the
town of Canaan, or in the outlet thereof, any fish of the species
of fish called pike or pickerel, within three years from the passing
of this act, and every person offending therein, shall, for every
such offence, forfeit the sum of ten dollars, to be recovered by
any person who will sue for the same, by an action of debt, before
any court having cognizance thereof.

Pike or pickerel
not to be taken in
Whiting's pond or in its
outlet for three years

Penalty

CHAP. LXVIII.—(R.L.)

*An ACT apportioning the Representation in the Legislature
of this State, according to the rule prescribed by the Con-
stitution.*

Passed April 6, 1813.

[Charter of rights, &c. Oct. 26, 1683.—Br. ed. 2.—Constitution of the
state, art. IV, X, XI, XII, XVI, and amendments of 1801, art. I, II, III,
IV.—J.&V. v. 1. 6, 280—Gr. v. 2. 337.—Ib. v. 3. 274.—K.&R. v. 1. 8,
11, 421, 622.—W. v. 3. 83.—W. v. 5. 296, 365, 458, 494.]

The four great
senatorial dis-
tricts.
K.&R. v. 1.
421.
Sess. 31. ch. 90
sec. 1
W. v. 5. 296
Southern.

I. *BE it enacted by the People of the State of New-York, repre-
sented in Senate and Assembly*, That the four great districts of
this state for the election of senators shall respectively compre-
hend the following parts of this state, to wit: the southern dis-
trict, the city and county of New-York, and the counties of Suf-
folk, Queens, Kings, Richmond and Westchester; the middle

Middle.

Eastern.

Western.

Number of
senators to
each.

district, the counties of Rockland, Orange, Ulster, Sullivan, Greene, Delaware, Dutchess, Putnam and Columbia; the eastern district, the city and county of Albany, and the counties of Rensselaer, Saratoga, Washington, Warren, Schenectady, Montgomery, Franklin, Essex and Clinton; and the western district, the counties of Schoharie, Otsego, Herkimer, Oneida, Chenango, Madison, Jefferson, Lewis, St. Lawrence, Onondaga, Cortland, Cayuga, Tioga, Broome, Seneca, Steuben, Allegany, Ontario, Genesee, Niagara, Chataque and Cattaraugus; and that the number of senators to be chosen in each of the said districts shall be as follows: In the southern district five, in the middle district seven, in the eastern district eight, and in the western district twelve; and that the senators elected, or to be elected, in each of the said districts, shall belong to the several classes already ascertained for that purpose, until further provision be made in the premises.

Members of
assembly to
each county.
K. & K. v. 1.
421. § 2
Sess. 31. ch.
90. § 2.
W. v. 5 296
Sess. 35. ch.
173. § 5.
27 H. 8. c. 26
sec. 28. 29.
34 & 35 H. 8.
c. 13, 26
5 Ann. c. 8
19 Geo. 2. c. 23

II. *And be it further enacted*, That the number of members of the assembly to be chosen in each of the counties of this state, shall be as follows, to wit: In the city and county of New-York, eleven, in the county of Suffolk three, in the county of Queens three, in the county of Kings one, in the county of Richmond one, in the county of Westchester three, in the county of Rockland one, in the county of Orange four, in the counties of Ulster and Sullivan four, in the county of Dutchess five, in the county of Putnam one, in the county of Columbia four, in the county of Delaware two, in the county of Greene two, in the county of Albany four, in the county of Schenectady two, in the county of Rensselaer four, in the county of Saratoga four, in the counties of Washington and Warren five, in the counties of Clinton and Franklin one, in the county of Essex one, in the county of Schoharie two, in the county of Montgomery five, in the county of Otsego four, in the county of Herkimer three, in the county of Oneida five, in the county of Chenango three, in the county of Madison three, in the county of Onondaga two, in the county of Cortland one, in the county of Cayuga three, in the county of Tioga one, in the county of Broome one, in the county of Ontario five, in the counties of Steuben, Allegany and Cattaraugus one, in the county of St. Lawrence one, in the county of Genesee one, in the counties of Niagara and Chataque one, in the county of Seneca one, in the county of Lewis one, and in the county of Jefferson two.

Elections how
conducted
where two or
more counties
send one
member.
W. v. 5 296
Sess. 31. ch.
90 sec. 3
19 Geo. 2. c. 23

III. *And be it further enacted*, That in all cases where two or more counties are authorised by law to elect one member of assembly, the certificates or returns of the votes taken in the respective towns in the county or counties containing the least number of electors by the census, shall be delivered to the respective clerks of such counties, and be by them estimated and canvassed, and a transcript of such canvass shall be transmitted to the clerk of the county having the greatest number of electors, before the time appointed by law for certifying the election of members of assembly, who shall estimate and canvass the votes contained in such certificates, in like manner as if the same had

been given in the said county having the greatest number of electors.

IV. *And be it further enacted,* That whensoever any person elected a member of the senate of this state, shall resign his seat therein, by giving written notice thereof, to the president of the senate, such resignation may be accepted, and thereupon the clerk of the senate shall give notice that at the next anniversary election thereafter, a senator is to be chosen to fill the vacancy occasioned by such resignation.

Where a senator resigns, the president of the senate may accept thereof etc. Sess. 25. ch. 81. sec. 2

V. *And be it further enacted,* That in case of vacancy by death or otherwise, in the office of member of assembly, in any county or counties in this state, not entitled to more than one member, between any of the general elections, and previous to the first day of November in any year, it shall be the duty of the person administering the government of this state, by proclamation to give notice thereof, and therein to specify in what county or counties the person is to be elected to fill such vacancy, and to appoint a day not less than twenty, nor more than thirty days from the day of the publication of such proclamation, for holding an election in such county or counties to fill such vacancy, and to cause a copy thereof to be delivered to the sheriff or sheriffs, who shall thereupon give notice in writing of the election to one of the inspectors of elections in each town in such county or counties, within ten days after receiving the said proclamation, and the said inspectors shall immediately give notice thereof to the other inspectors of such town, who shall thereupon convene together, and by writing under their hands, to be fixed up, in at least three of the most public places in such town, give eight days notice of the time and place of holding such election within the same, and such election shall be held and conducted for one day only, and the ballots thereof be canvassed and estimated, certified, returned and calculated, and a certificate thereof given in the same manner, by the same persons respectively, and within the same time, as in the case of a general election for members of assembly.

Vacancies in the assembly in certain cases how filled. Sess. 25. ch. 81. sec. 4.

Governor to issue proclamation.

Duty of the sheriffs,

And of the inspectors.

Duration of the election. How canvassed, etc.

CHAP. XLVI.—(R.L.)

An ACT for regulating the Election of Representatives for this State, in the Houses of Representatives of the Congress of the United States.

Passed April 2, 1813.

[Sess. 24. ch. 64.—Sess. 35. ch. 169.]

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That for the election of representatives in the house of representatives of the congress of the United States, this state shall be and hereby is divided into the following districts, to wit: The counties of Suffolk, Queens, Kings, Richmond, and the first and second wards of the city of New-York, shall compose the first district; the third, fourth, fifth, sixth, seventh, eighth, ninth and tenth wards of the city of

State divided into 21 districts for electing members of congress Sess 35. c 120 § 1 First district

Second	New-York, shall compose the second district ; the counties of
Third	Westchester and Rockland, shall compose the third district ; the
Fourth	counties of Putnam and Dutchess, exclusive of the towns of Red-
Fifth	hook, Rhinebeck and Clinton, shall compose the fourth district ;
Sixth	the county of Columbia, and the towns of Redhook, Rhinebeck
Seventh	and Clinton, in the county of Dutchess, shall compose the fifth dis-
Eighth	trict ; the county of Orange shall compose the sixth district ;
Ninth	the counties of Ulster and Sullivan, shall compose the seventh
Tenth	district ; the counties of Greene and Delaware, shall compose
Eleventh	the eighth district ; the county of Albany, shall compose the
Twelfth	ninth district ; the county of Rensselaer, shall compose the tenth
Thirteenth	district ; the county of Saratoga, shall compose the eleventh
Fourteenth	district ; the counties of Washington, Warren, Essex, Clinton
Fifteenth	and Franklin, shall compose the twelfth district ; the counties of
Sixteenth	Schenectady and Schoharie shall compose the thirteenth dis-
Seventeenth	trict ; the county of Montgomery shall compose the fourteenth
Eighteenth	district ; the counties of Otsego, Chenango and Broome, shall
Nineteenth	compose the fifteenth district ; the county of Oneida, shall com-
Twentieth	pose the sixteenth district ; the counties of Herkimer and Madi-
Twenty-first	son, shall compose the seventeenth district ; the counties of Lewis,
	Jefferson and St. Lawrence, shall compose the eighteenth dis-
	trict ; the counties of Onondaga and Cortlandt shall compose
	the nineteenth district ; the counties of Cayuga, Seneca, Tioga
	and Steuben, shall compose the twentieth district ; the counties
	of Ontario, Allegany, Genesee, Niagara, Cattaraugus and Cha-
	taque, shall compose the twenty-first district.

Elections when held Sess 24. c 64 sec 2 Sess 35. c 169	II. <i>And be it further enacted</i> , That the next general election for such representatives, for the term of two years, commencing on the fourth day of March, one thousand eight hundred and fif- teen, shall be held on the last Tuesday of April ; and the two next succeeding days, in the year of our Lord one thousand eight hundred and fourteen ; and the subsequent general elections for such representatives, on the last Tuesday of April, and the two next succeeding days in every second year thereafter ; and that at every such election, two persons in each of the said dis- tricts numbered as follows : The first, second, twelfth, fifteenth, twentieth and twenty-first ; and one person in each of the other districts who respectively have attained the age of twenty-five years, and have been seven years a citizen of the United States, and who shall then be an inhabitant of this state, shall be chosen by the inhabitants of such district, qualified to vote for members of the assembly of this state ; and the person or persons as the case may require, having the greatest number of votes in any district, shall be the representative or representatives chosen therein ; and that all such elections shall be notified, held and conducted by the same inspectors, and in the same manner, and with the like powers as the elections for members of the assembly of this state ; and the ballots to be taken at any such election for such repre- sentatives, shall be canvassed and estimated, certified, returned and calculated, and the result thereof determined, in the same manner, and by the same persons, as is provided, with respect to the ballots taken for governor, lieutenant-governor and senators, by the act, entitled " an act for regulating elections ;" and the persons who shall so determine the same, shall, in like manner
Number of members to be chosen in each district	
Qualifications	
Elections, how conduct- ed and held	

without delay, make and subscribe with their proper names and hand writing, a certificate of such determination, and enter the same in a book to be kept for that purpose, in the said secretary's office, and deliver or cause to be delivered a true copy of the said certificate, to each of the persons so elected, and another copy thereof, subscribed as aforesaid, to the house of representatives of the congress of the United States, of which such persons shall be elected members at their first meeting thereafter; and shall also cause a copy of such certificate to be published in one of the newspapers printed in each of the said districts, with a statement of the votes given for every person at such election.

III. *And be it further enacted*, That in case of any vacancy by death or otherwise, in the said office of representative, between any of the said general elections, or before the said last Tuesday of April, one thousand eight hundred and fourteen, it shall be the duty of the person administering the government of this state, by proclamation, to give notice thereof, and therein specify in which of the said districts the person or persons are to be elected, to fill such vacancy, and appoint a day not less than forty, nor more than sixty days from the day of the publication of such proclamation, for holding an election in such district to fill such vacancy, and cause a copy of such proclamation, to be delivered to the sheriff of every county, belonging wholly or in part to such district; and every such sheriff shall thereupon give notice in writing of such election, to one of the said inspectors of elections in each town or ward of such district in his county, within eight days after receiving such proclamation; and each of the said inspectors shall immediately give notice thereof to the other inspectors of the same town or ward; and thereupon the inspectors of every such town or ward, or the major part of them, shall, without delay convene together, and by writing under their hands, to be fixed up in at least five of the most public places in such town or ward, give eight days notice of the time and place, or times and places of holding such election within the same; and at every such election, a person or persons qualified as aforesaid, shall be elected in such district to fill such vacancy, by the inhabitants thereof, qualified to vote as aforesaid; and such election shall be held and conducted, and the ballots thereof canvassed and estimated, certified, returned and calculated in the same manner by the same persons respectively, and within the same time as in the case of a general election for such representatives, and the result thereof shall be determined in like manner by the same persons, after twenty-eight, and within thirty-five days from the day appointed by the proclamation for holding such election; and the like certificate of the person elected shall be made and subscribed, and entered in the said book in the secretary's office, and copies thereof delivered and published, with the like statement of the votes as in case of a general election of such representatives.

IV. *And be it further enacted*, That if any person shall, by bribery, menace, or other corrupt means directly or indirectly attempt to influence any elector in giving his vote or ballot, or attempt to deter him from giving the same at any such election;

Vacancies
how filled
Sess 24, c 64
sec 3

Duty of the
inspectors

Bribery, etc.
at elections,
or calling out
the militia, etc
how punished
Sess 21, c 54
sec 4

or if any officer or other person, shall call or order any of the militia of this state to appear or exercise at any time during such election, or within ten days before the ordinary and established days of holding such elections, except in cases of invasion or insurrection, or if any person shall be guilty of any partial or corrupt conduct, in any of the duties required of him by this act, or shall wilfully neglect or refuse to perform the same, every person so offending, shall be liable to the same pains and penalties, and incur the same forfeitures as are inflicted in such cases respectively, by the act, entitled "an act for regulating elections," and to be recovered and applied in the manner therein directed: *And further*, That it shall not be lawful for any officer or minister of justice to serve any civil process in any city or town, on any person entitled to vote at any election to be held by virtue of this act, between the day preceding such election, and the day subsequent to the closing of the poll thereof.

No civil process to be served during elections, and one day before and after

[*Note*.—The first law after the adoption of the constitution of the U. S. regulating elections of representatives to congress, was passed by this state, January 27, 1789, dividing this state into six districts—*vide* J.&V. v. 2. 395. After the next, and every succeeding census, this number was increased, till the population of the state entitled it to its present number.]

CHAP. XXV.—(R.L.)

An ACT directing the manner of appointing Electors for the Election of a President and Vice-President of the United States, and for other Purposes.

Passed March 5, 1813.

[K.&R. v. 1. 161.—W. v. 4. 3.—Sess. 35. c. 58.]

Electors when, where, and by whom to be appointed.

K.&R. v. 1. 161.
Sess. 19. c. 32
sec 1
W. v. 4. 3
Sess. 35 c. 58

Electors when and where to meet.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That whenever an election of a president and vice-president of the United States shall become necessary, at the ordinary period, or prior thereto, electors shall be appointed in this state for such election in the manner provided by the constitution of this state, for the appointment of delegates to represent this state in the then general congress of the United States of America, and that the legislature shall meet for that purpose on the first Tuesday of November, one thousand eight hundred and sixteen, and on the first Tuesday in November in every fourth succeeding year, and the electors shall meet and give their votes at the capitol in the city of Albany, at the time and in the manner directed in and by the act of congress, entitled, "An act relative to the election of a president and vice-president of the United States, and declaring the officer who shall act as president, in case of vacancies in the offices both of president and vice-president," and the act supplementary thereto, and then and there

[First act for appointing electors, &c. passed April 12, 1792. Gr. v. 1. 481. The mode then adopted for appointing them by the legislature has ever since continued the same.]

do, execute and perform all the duties enjoined on them by the said acts.

II. *And be it further enacted*, That the executive of this state immediately after any appointment of electors for the election of a president and vice-president of the United States, shall by express, at the expense of this state, cause notice of such appointment to be given to each of the persons so appointed, and shall also on or before the meeting of the electors, cause such list of the names of the electors to be delivered to them, as is directed by the said act of congress.

Executive to notify electors, and to cause a list of electors chosen to be delivered, etc K.&R. . 1. 161 § 2

III. *And be it further enacted*, That whenever an election of a president and vice-president shall become necessary prior to the ordinary period, the executive of this state shall, by proclamation, convene the legislature of this state on the first Tuesday of November thereafter, in order that electors may be appointed for the purpose.

Legislature may be convened by proclamation to make the choice when necessary K.&R. v. 1. 161 sec. 3 Compensation to electors [See statutes above referred to.]

IV. *And be it further enacted*, That each elector of this state, for the election of a president and vice-president of the United States, who shall, at any election of those officers, attend and give his vote at the place appointed by law, shall be entitled to receive, as a compensation for his services, the same compensation as shall then be allowed to the members of the legislature by law, and for every day of his travelling to and from such place, computing his travelling to and from his place of residence, by the most usual road, twenty miles for a day, which compensation shall be paid by the treasurer on the warrant of the comptroller.

V. *And be it further enacted*, That it shall be the duty of the electors who may at any time hereafter be appointed, to assemble at the capitol, in the said city of Albany, on the day next preceding the day appointed by law for the election of a president and vice-president of the United States, and that it shall be lawful for the said electors so assembled, who shall be present after the hour of three o'clock in the afternoon of the same day, to elect, by a majority of votes, a suitable person to supply the place of any absent elector, which election shall be certified under the hands of a majority of the electors making such election upon each of the three lists of the names of the electors delivered to them, by the direction of the executive, and the persons so to be elected shall be considered as electors, and have the same authority to vote for president and vice-president, as if they were appointed for that purpose by the two houses of the legislature.

Electors when and how to assemble—*vide supra*

Vacancies by electors not attending how filled

Lists Such appointments valid

CHAP. XLI.—(R.L.)

An ACT for regulating Elections.

Passed March 29, 1813.

[J.&V. v. 1. 26, 395.—Ibid. v. 2. 27.—Gr. v. 1. 309.—Lor. And. 658.—K.&R. v. 1. 264.—Sess. 35. c. 119.—Sess. 30. c. 17, 112.—Sess. 33. c. 187.—Sess. 34. c. 201.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all elections for gover-

Election for governor, etc to be by ballot

and when to
be held.
K. & R. v. 1.
264 § 1

nor, lieutenant-governor, senators and members of assembly, shall be by ballot, and that such elections shall be held in the cities of New-York, Albany and Schenectady, by wards, and in all other parts of this state by towns, and that the last Tuesday of April, in every year, shall be the anniversary day on which such elections shall be held, and from which the same shall be continued by adjournment from day to day, for three days successively, including the first.

Inspectors of
elections de-
clared and
designated.
K. & R. v. 1.
264 § 2

II. *And be it further enacted*, That the supervisors, assessors and town-clerks of the several towns in this state, or a majority of them actually in office, shall from time to time be the inspectors of such elections in their respective towns; and that in the cities of New-York, Albany and Schenectady, such inspectors shall be appointed by the common council of said cities respectively, at their usual place of meeting in each of the said cities, on or before the second Tuesday of April in every year, who then and there shall by plurality of voices, elect from among the substantial freeholders actually resident in each ward of the said cities, three persons for inspectors of such election, then next to be holden in such ward, any two of whom may act; and in case of the death or inability of either of them to act, the said common council may thereafter appoint others in their places.

Duty of the
clerk of the
senate as to
elections.
K. & R. v. 1. 264
§ 3

III. *And be it further enacted*, That the clerk of the senate shall annually between the first days of January and March, inclose and send in writing under his hand, to each of the sheriffs of the different counties of this state, a notification of the names of the senators for the district to which such county shall belong, whose seats will become vacant on the first Monday of July thereafter, and of the names of those, if any, whose seats may have become vacant by death or otherwise, and of the number of senators to be elected in such district at the then ensuing election, and also that a governor and lieutenant-governor, or a lieutenant-governor only, as the case may require is or are then to be chosen; and in case any vacancy shall happen in the office of any senator on or after the first day of March and before the fifteenth day of April in any year, then the said clerk shall immediately thereafter give the like notification of the name of every senator whose seat shall so become vacant; and in case of the death, inability or removal of such clerk out of this state, it shall be the duty of the secretary of this state, to make and send such notifications, and each sheriff shall, without delay, transmit a copy of such notification to one of the inspectors in each town or ward in his county, and also affix a copy thereof on the door of the courthouse in his county.

Inspectors to
give notice of
elections, and
how and when
K. & R. v. 1. 264
§ 4

IV. *And be it further enacted*, That each inspector upon receiving such notification, shall immediately give notice thereof to the other inspectors of his town or ward, and the said inspectors, or a majority of them, shall without delay convene together, and by writing under their hands, to be fixed up in at least five of the most public places of such town or ward, give eight days notice of the time and place or the times and places which to them shall appear most convenient for the electors within the same, at which such election for governor, lieutenant-governor, senators and

members of assembly, or any of them, shall be held ; and at the time and place of opening such election, the said inspectors shall publicly administer to each other and severally take the following oath : “ I, do solemnly and sincerely swear and declare, in the presence of Almighty God, (or I, do solemnly and sincerely affirm and declare) that I will, in all things, well, faithfully, honestly and impartially, and according to the best of my knowledge and abilities, execute the office of inspector of this election, and that I will faithfully and impartially canvass and estimate the ballots taken at the same election, and certify a true and just statement of the same according to my best understanding, and that if I shall discover any of the other persons who shall attend with me for the purpose aforesaid, conducting himself or themselves partially, unduly or corruptly in the premises, that I will divulge or discover the same, to the end that the person so offending may be brought to justice.” *And further*, That in each town or ward, the inspectors shall appoint two or more competent clerks of such election, each of whom shall keep a poll list of the same, under the direction of the inspectors, and take the following oath, to be administered by the said inspectors, to wit :

Oath of inspectors.

“ I, do solemnly and sincerely declare and swear, (or I, do solemnly and sincerely affirm and declare) that I will faithfully, truly, honestly and impartially enter and keep the poll lists at this election, and in all things will faithfully, truly, honestly and impartially, according to the best of my knowledge and abilities, do, perform and fulfil my duty as a clerk thereof.” And the said inspectors shall preside at such election, and conduct and direct the same, according to the regulations of this act, and be the returning officers thereof in manner herein after directed ; and the inspectors and clerks, being sworn as aforesaid, the said inspectors shall cause proclamation to be three times made as follows, viz :—“ Hear ye ! Hear ye ! Hear ye ! The poll of this election is opened, and all manner of persons attending the same, are strictly charged and commanded, by the authority and in the name of the people of this state, to keep the peace thereof during their attendance at this election, upon pain of imprisonment ;” which proclamation shall be repeated at every subsequent opening of the poll after an adjournment thereof, and proclamation of every such adjournment, and of the closing thereof, shall also in like manner be made : *Provided always*, That the proclamation by which the same shall be closed, shall be preceded three hours before by a proclamation notifying that the same will be so closed ; and the poll of every such election shall be opened in the day time only, between the rising and setting of the sun.

Oath of the clerks.

Proclamation to be made.

When to be made.

Proviso

V. *And be it further enacted*, That the poll of every such election in the city of New-York, shall be opened at or before ten o'clock in the morning of every day, on which the said election shall be held, and shall be kept open on each day of such election until the setting of the sun.

Elections in New-York. Sess. 30, c 17

VI. *And be it further enacted*, That the poll lists for governor, lieutenant-governor and senators, or such of them as shall be to be chosen at any such election, shall be kept distinct and separate from those of members of assembly ; and that no person shall

Poll lists how to be kept so placed. K & R. v. 1. 264 § 5

vote at any such election except in the town or ward in which he shall actually reside.

Mode of de-
livering and
receiving bal-
lots.
R. & R. v. 1.
284 § 6

May be writ-
ten or print-
ed.

Box to have
a lock.

Ballots for
members of
assembly.

VII. *And be it further enacted,* That the mode of conducting every such election, shall be as follows : Every person who shall be qualified according to the constitution of this state and this act, and offer himself to vote for governor, lieutenant-governor or senators, shall at such election openly deliver his ballot for governor, lieutenant governor and senators, or such of them as shall be then to be chosen, to one of the inspectors, who shall receive the same in the presence of the other inspectors, which ballot shall be a paper ticket, containing the name of a person for governor, and the name of a person for lieutenant-governor, and the names of so many persons for senators as shall be then to be chosen in that district wherein the elector shall reside, or such and so many of them respectively as are then to be chosen, and such elector shall think proper to vote for, severally written or printed, or partly written and partly printed on the same paper ticket, and distinguishing who is voted for as governor or lieutenant-governor, when they or either of them are to be chosen, and who are voted for as senators, and the said paper ticket shall be so folded or closed as to conceal the contents thereof ; and on receipt of every ballot or ticket for governor, lieutenant-governor and senators, or any of them, the inspectors shall cause the name of the elector to be entered in the books or poll lists for governor, lieutenant-governor and senators, or such of them as are then to be chosen, by all the clerks, and shall cause the ballot, without suffering the same to be inspected, to be put into a box to be provided for the purpose of receiving the ballots for governor, lieutenant-governor and senators, or such of them as are then to be chosen, with a sufficient lock thereto ; and which box shall be locked, and the key thereof kept during the election by one of the inspectors attending such election, to be appointed for the purpose by the major part of them ; and a small hole shall be made in the lid or cover of the box, sufficient only to receive each ballot, and through which all the ballots shall be put into the box, and which box shall only be opened at the times hereinafter mentioned : *And further,* That every person who shall be qualified according to the constitution of this state and this act, and offer himself to vote for members of assembly, shall at such election openly deliver his ballot for members of assembly, to one of the inspectors, who shall receive the same in the presence of the other inspectors, which ballot shall also be a paper ticket, containing the names of as many persons for members of assembly, as are then to be chosen for the county wherein such elector shall then reside, or so many of them as such elector shall think proper to vote for, severally written or printed, or partly written and partly printed, on the same paper ticket, and the said paper ticket shall be so folded or closed as to conceal the contents thereof ; and on the receipt of every ballot or ticket for members of assembly, the inspector shall cause the name of the elector to be written in the books or poll lists for members of assembly, by all the clerks, and shall cause the ballot, without suffering the same to be inspected, to be put into a box to be provided for the purpose of

receiving the ballots for members of assembly, with a sufficient lock thereto, which shall be locked, kept and disposed of, in the same manner as the box for receiving the ballots for governor, lieutenant-governor and senators above mentioned: *And further,* That on every adjournment of the poll, all the clerks' books or poll lists shall be carefully compared in the presence of the inspectors, and any mistakes in either of them shall be corrected according to the judgment of a major part of the inspectors; whereupon the boxes shall be opened, the proper books or poll lists put into them respectively, and the boxes then locked, with the books or poll lists therein, and the keys delivered to such one of the inspectors as the majority of them shall appoint, and the seal or seals of one or more of the inspectors shall be put upon the said boxes, so as to cover the holes in the lids thereof; and the boxes shall then be delivered to such other of the inspectors attending such election, as a majority of them shall direct, who shall carefully keep the same, and shall, without suffering the same to be opened, or the said seal or seals to be broken or removed, deliver the same boxes in at the election table at the next opening of the poll, in the presence of all the spectators attending on the said election, when and where the said seals shall be broken and the boxes opened, and the poll-books or lists taken out, and the boxes again locked, in order to proceed in the said election, which course shall be observed and pursued until the poll be closed.

Box also to have a lock.

Poll lists to be compared.

Key, how disposed of.

Box, how disposed of.

VIII. *And be it further enacted,* That whenever any person shall present himself to give his vote or ballot at any such election, as a freeholder qualified by the constitution of this state to vote for a governor, lieutenant-governor and senators, or either of them, and either of the inspectors shall suspect, or any other person entitled to vote at the same, in such town or ward, shall challenge him to be unqualified for the purpose, the inspectors shall tender and administer to him the following oath, to wit:—

“I, _____ do solemnly and sincerely swear and declare, in the presence of Almighty God, (or I, _____ do solemnly and sincerely affirm and declare) that I am a natural born, or naturalized citizen of the state of New-York, or of one of the United States, (as the case may be) of the age of twenty-one years, according to the best of my knowledge and belief, and am a freeholder, possessed of a freehold in my own right, (or in the right of my wife, as the case may be) of the value of two hundred and fifty dollars, within this state, over and above all debts charged thereon; and that I have not become such freeholder fraudulently, for the purpose of giving my vote at this election, nor upon any trust or understanding, express or implied, to re-convey such freehold during or after this election; and that I am an actual resident of the _____ ward, (or town) of _____ in the county of _____ (as the case may be) and have not been before polled in any part of this state at this election: and further, that I will true answers make to any interrogatories which shall be put to me by the inspectors of this election, touching the situation and boundaries of such freehold, from whom, and by what conveyance I derive title to the same.” And that whenever any one shall present himself to give his vote or bal-

Voters may be challenged
K. & R. v. L.
46 § 7.
Sess. 4. ch.
201 c.
Sess. 33. ch.
187. § 5

Oath to be taken by voters for gov. lieutenant gov. or senators.

Oath to voters on the assembly.

lot for members of assembly at any such election, and either of the said inspectors shall suspect, or any person entitled to vote for members of assembly in the same town or ward, shall challenge him to be unqualified for the purpose, the inspectors shall tender and administer the following oath : " I, do solemnly and sincerely swear and declare, in the presence of Almighty God, (or, I do solemnly and sincerely affirm and declare) that I am a natural born, or naturalized citizen of the state of New-York, or, of one of the United States, of the age of twenty-one years, according to the best of my knowledge and belief; and that I am and have been for six months next and immediately preceding this election, a freholder, and possessed of a freehold in my own right, (or, in my wife's right, as the case may be) of the value of fifty dollars, in the county of or have for six months next and immediately preceding this election, rented a tenement of the yearly value of five dollars, within the county of and have been rated and actually paid taxes to this state, and that I am now an actual resident of the ward, (or town) of (as the case may be,) and that I have not been polled before in any part of the said county at this election."

If voter refuse to swear, to lose his vote.

Persons of a certain description, being freemen, entitled to vote.

And in case any elector shall refuse to take the said oaths or affirmations respectively, and shall persist in such refusal during such election, his ballot shall not be received at such election : *Provided nevertheless*, That nothing herein contained shall be construed to deprive the persons who were freemen of the city of New-York on the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, or freemen of the city of Albany, on the twentieth day of April, in the year of our Lord one thousand seven hundred and seventy-seven, and who shall be actually and usually resident in the said cities respectively, and who may refuse to take the oath last above contained, of the right of voting for members of assembly in the said cities, reserved to them by the seventh article of the constitution of this state : *And provided also*, That whenever any one shall present himself to give his vote or ballot, as a freeman of the said city of New-York or city of Albany, for members of assembly, and either of the inspectors shall suspect him to be unqualified for the purpose, they shall tender to him the following oath, to wit : " I, do solemnly and sincerely swear and declare, in the presence of Almighty God, (or I do solemnly and sincerely affirm and declare) that I now am, and was a freeman of the city of New-York before the fifteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, (or, a freeman of the city of Albany before the twenty-first day of April, in the year of our Lord one thousand seven hundred and seventy-seven, as the case may be,) and that I now am an actual resident in the ward of the city of New-York, (or, Albany, as the case may be,) and that I have not before been polled at this election in any part of this state ;" and in case such elector shall refuse to take such oath, he shall lose his vote at the said election ; and if any elector shall be guilty of wilful and corrupt false swearing or affirming, in taking any oath or affirmation prescribed by this act, every such person shall

Their oath.

False swearing, declared perjury.

be adjudged guilty of wilful and corrupt perjury ; and every person who shall wilfully and corruptly procure any person to swear or affirm falsely as aforesaid, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

IX. *And be it further enacted,* That at every such election, the inspectors shall tender and administer to each elector presenting himself to vote at such election, if any of them shall suspect that such elector is not, or if any person entitled to vote at such election in the same ward or town, shall challenge such elector, not to be well affected to the government of this state, the following oath, to wit : " I, _____ do solemnly, without any mental reservation or equivocation whatever, swear and declare, and call God to witness, (or I, _____ do solemnly and sincerely affirm and declare,) that I do abjure and renounce all allegiance and subjection to the king of Great-Britain, and to all and every other foreign king, prince, potentate and state whatsoever, and that I will bear true faith and allegiance to the state of New-York, as a free and independent state ; and that I will in all things, to the best of my knowledge and ability, do my duty as a good and faithful citizen of the said state ought to do."

And if any elector shall refuse to take the said oath, he shall not be permitted to vote at such election ; and if at any such election, an inspector shall receive the vote or ballot of any elector, who, upon being tendered the said oath, shall refuse to take the same, such inspector shall, for each offence, forfeit the sum of twelve dollars and fifty cents, to any person who will sue for the same, to be recovered with costs : *And further,* The said inspectors are hereby required to administer the said oath to any elector who shall voluntarily offer to take the same.

X. *And be it further enacted,* That every person who shall have been rated and actually paid highway taxes, by commutation or by labor done on the highways, shall be considered as having paid taxes to the state, for the purpose contemplated in the eighth section of this act.

XI. *And be it further enacted,* That whenever any black or mulatto person shall present himself to vote at any election in this state, he shall produce to the inspectors or persons conducting such election, a certificate of his freedom, under the hand and seal of any one of the clerks of the counties of this state, or under the hand of a clerk of any town within this state.

XII. *And be it further enacted,* That it shall and may be lawful for every black or mulatto person within this state, to make and exhibit proof before any one of the justices of the supreme court, any mayor, recorder or judge of any court of common pleas within this state, of his freedom, such proof to be reduced to writing, and exhibited in the county where the person producing the same shall reside : *And provided,* The said justice, mayor, recorder or judge be of the opinion, that the person producing the same is free, according to the laws of this state, he shall certify the same in writing, stating therein a brief description of the person so adjudged to be free, his age, the place of his birth, and the time when he became free, as nearly as the same can be ascer-

Voter may be challenged as to his allegiance.
R. & R. v 1
264. sec. 3.

Oath of allegiance and abjuration.

If he refuse to swear, to lose his vote.

Penalty on inspectors for receiving a vote contrary to this section.

Labor performed on the highways, deemed a tax.
Sess. 4. ch.
201. § 2

Blacks or mulattos voting, to present certificate of freedom.
Sess. 34. ch.
201. § 3

The mode in which a black or mulatto shall prove his freedom.
Sess. 34. ch.
201. § 4.

Certificate to
be recorded

Not to vote
unless produ-
ced

Fees allowed
on proving
such freedom
Sess. 34 c 201
§ 5

Black or mu-
latto being
challenged,
shall swear to
his identity -
Sess. 34 c. 201
§ 6

The judge,
&c taking the
proof o. ree-
dom, may
compel wit-
nesses to at-
tend before
him and testi-
fy concerning
the same
Sess. 34 c 201
§ 7

Or be com-
mitted

Inspectors
how to pro-
ceed to can-
vass. After
poll is closed
R. C. c. 1.
264. § 9.

tained, and it shall be the duty of the said black or mulatto person to cause the said proof to be filed, and the certificate of the said justice, mayor, recorder or judge, to be entered of record, either in the clerk's office of the said county, or in the clerk's office in some one of the towns in the said county, and a copy of the said record, certified under the hand of the clerk in whose office the same shall be recorded, shall be the certificate of freedom required by the preceding section to be produced at all such elections, and unless such certificate shall be produced, no black or mulatto person shall be permitted to vote at any such election.

XIII. *And be it further enacted,* That the officer taking such proof shall be entitled, as a compensation for taking the same, to twenty-five cents, and for giving such certificate the further sum of twelve and an half cents, to be paid by the person applying for the same; and the clerk for filing such proof and recording such certificate, shall be entitled to such fees as are usual for like services.

XIV. *And be it further enacted,* That every black or mulatto person, producing such certificate, shall, if required by any one of the inspectors of such election, or if challenged by an elector, make oath or affirmation, that he is the identical person named and intended in such certificate; and if any person shall be guilty of false swearing, in taking such oath or affirmation, he shall be adjudged guilty of wilful and corrupt perjury, and shall, upon conviction thereof, suffer the punishment now directed by law, in cases of wilful and corrupt perjury.

XV. *And be it further enacted,* That it shall be lawful for such justice of the supreme court, mayor, recorder or judge, on application by any black or mulatto person, to issue a summons, requiring any person, residing within the county wherein such application shall be made, to appear and make affidavit of all such matters and things as he or she may know concerning the freedom of such black or mulatto person; and whenever any person shall refuse to appear and make affidavit, in pursuance of such summons, a warrant shall issue from such justice, mayor, recorder or judge, to compel his or her appearance; and if on his or her appearance, he or she shall refuse to make affidavit or affirmation, as the case may require, of the facts which may be within his or her knowledge, touching the matter to be inquired into, he or she may be committed to the common gaol of the county, there to remain without bail or mainprize for a term not exceeding one calender month.

XVI. *And be it further enacted,* That after finally closing the poll of any such election, the inspectors of the several towns and wards shall proceed without delay publicly to open the boxes containing the said ballots, and first count the said ballots unopened; and if the number of ballots in any of the said boxes shall exceed the number of electors contained in the poll-lists respectively, the said inspectors shall draw out and destroy unopened, so many of the said ballots as shall amount to the excess; and such numbers agreeing or being so made to agree, the said inspectors shall proceed to canvass and estimate the said ballots; and if two or more

ballots are found folded or rolled up together, none of the ballots so folded or rolled shall be estimated; and the said inspectors shall complete the said canvass and estimate on the day subsequent to the closing the poll, or sooner, and thereupon shall set down in writing the names of the several candidates voted for at any such election, either as governor, lieutenant-governor or senators, with the number of votes in words at full length, given for any such candidate at any such election for either of the said offices, and shall certify and subscribe their own proper names thereto, and by one of their number to be appointed for that purpose by a majority of them, shall, within eight days thereafter, cause such statement or certificate to be delivered to the clerk of the county in which such ballots shall be taken, and a like certificate subscribed as aforesaid, to the clerk of the town in which such ballots shall be taken, to be by him entered of record in a book to be by him provided for that purpose; and that the clerk of such county shall enter of record, in a book to be by him provided for that purpose, such statement or certificate so delivered to him as aforesaid, and shall, within twenty days thereafter, deliver a transcript certified by him of all such certificates so by him received, or cause the same to be delivered to the secretary of this state, by a special messenger to be by him appointed for the purpose, to which messenger the clerk shall administer the following oath, to wit:

To deliver certificate of election for Governor, Lt. Gov. and Senators to clerk of county who is to record it, and deliver a transcript to the secretary of state

“ I, do solemnly and sincerely swear and declare, in the presence of Almighty God, (or, do solemnly and sincerely affirm and declare) that I will faithfully, to the best of my ability, and without delay, deliver in at the secretary's office, all such certificates of the election of the county of as shall be delivered to me by the clerk of said county for that purpose.”

Oath of messenger where appointed

And for which service the said clerk or messenger shall be paid at the rate of twenty-five cents for each mile in going only, to be computed from such clerk's office to the secretary's office, and to be paid out of the treasury of this state, on the warrant of the comptroller; and the inspectors, on closing the poll of any such election as aforesaid, shall proceed in like manner, without delay, to canvass and estimate the ballots given for every person as member of assembly at such election: and after making such canvass and estimate, shall set down the names of every such candidate, with the number of votes given for each candidate, in words at full length; and after certifying and subscribing their proper names thereto, shall, within twelve days thereafter, cause such statement or certificate of such canvass or estimate to be delivered as aforesaid to the clerk of the county, and a like statement or certificate to the clerk of the town in which such ballots shall be taken, to be by them respectively entered of record as aforesaid, in books by them to be provided as aforesaid; and the clerk of such county shall, without delay, after the day appointed for delivering to him such certificate as aforesaid, shall have elapsed, calculate and ascertain the aggregate amount or whole number of votes given for the respective candidates voted for as members of assembly at any such election, and shall thereupon determine, conformable to such statements or certificates delivered him as aforesaid, upon the person or persons duly elect-

Compensation of clerk or messenger

Inspectors how to proceed at elections for members of assembly

Clerk of county to declare and certify the members chosen

And deliver
them a certi-
ficate thereof

Inspectors af-
ter election to
destroy poll-
books and bal-
lots

Persons guilty
of disorderly
conduct at
elections may
be committed
by inspectors.
K&R. v 1.
264, § 10

Secretary of
state, survey-
or-general, at-
torney-gener-
al, comptrol-
ler and treasur-
er, to deter-
mine elections
for governor,
lieut. governor
and senators,
and how and
when.
K&R. v 1.
264 § 11
Sess. 25, c 119
§ 20
Sess. 30, c 112

To publish
their certi-
ficate, and de-
liver the same
to the officers
chosen.

ed by the greatest number of votes as members of assembly for such county; and shall, after entering such determination of record, cause to be delivered to each of the persons, so found to be elected as members of assembly, a brief certificate of such election; and the respective clerks of counties shall exhibit their accounts, for services performed and expenses incurred by virtue of this act, except such as are herein before provided for, to the supervisors of their respective counties, who shall examine, audit and allow the same, and cause the amount thereof to be levied, collected and paid, in the same manner as the other contingent charges of such counties are by law directed to be levied, collected and paid: *And further,* That immediately upon the said inspectors, at any such election, making and subscribing such statement or certificate as aforesaid, they shall destroy all the poll-books and ballots made and taken at any such election.

XVII. *And be it further enacted,* That if any person shall be guilty of any disorderly conduct at any such election, or during the time of the canvass and estimate aforesaid, or of using indirect, sinister or corrupt means, to influence any elector or electors in giving in his or their ballots, the major part of the inspectors at such election are hereby authorised and required to commit the offender to the gaol of the county, there to remain for a space not exceeding thirty days; and all sheriffs, under sheriffs, constables and gaolers, are hereby strictly charged and required to aid and obey the inspectors herein.

XVIII. *And be it further enacted,* That such transcripts having been received by the secretary of this state, from the clerks of the respective counties, shall remain in his office of record; and the said secretary shall, on or before the eighth day of June in the same year, in conjunction with the surveyor-general, attorney-general, comptroller and treasurer, of this state, whose duty it shall be to give their attendance at the secretary's office, on a day to be notified to them for that purpose by such secretary, proceed to calculate and ascertain the aggregate amount or whole number of votes given at such election for governor, lieutenant-governor, or for senators; and the said secretary, surveyor-general, attorney-general, comptroller and treasurer, shall thereupon, and within six days after such meeting, determine, conformable to such transcripts, the persons duly elected by the greatest number of votes to either of the said offices, and without delay make and subscribe, with their proper names and hand writing, a certificate of such determination, and enter the same in a book to be kept for that purpose in the secretary's office, and without delay, cause to be delivered a true copy thereof, so subscribed as aforesaid, to each of the persons so elected, and to the person administering the government of this state; and shall also cause such certificate to be published in one of the public newspapers printed in each of the great senatorial districts of this state, with a statement subjoined thereto, and subscribed by the said secretary, surveyor-general, attorney-general, comptroller and treasurer, of the votes given for every person voted for at such election in the several counties of this state, for any of the said officers, as by the said transcripts returned by the clerks of the said counties respectively may appear.

XIX. *And be it further enacted,* That if either the said secretary, surveyor-general, attorney-general, comptroller or treasurer, or any two of them, shall neglect, or by death or otherwise be prevented from discharging the duties enjoined on them by this act, then it shall be lawful for the other of the said officers to perform the same; and if any three of the said officers shall neglect or be prevented as aforesaid from discharging the said duties, in that case it shall be lawful for any two of the justices of the supreme court of judicature of this state, and they are hereby required, on notice to be given them for that purpose by the person administering the government of this state, to attend without delay at the said secretary's office, and in conjunction with either the said secretary, surveyor-general, attorney-general, comptroller or treasurer, who may convene with them for that purpose, to do and perform the respective duties enjoined upon the secretary, surveyor-general, attorney-general, comptroller and treasurer of this state, by virtue of this act; and all questions which may arise in the canvass, estimate or calculation of the votes given at any such election, under this act, shall be determined by the opinion of a majority of the persons composing the board of canvass, estimate or calculation, as the case may be; and the said secretary, surveyor-general, attorney-general, comptroller and treasurer, or justices of the supreme court, as the case may be, shall, before they enter upon the said duties enjoined upon them, severally take and subscribe, before one of the justices of the said supreme court, or a master in chancery, an oath, that he will in all things faithfully, honestly and impartially, discharge the duties enjoined upon him by the act, entitled "an act for regulating elections," which said oath shall be entered of record in the secretary's office.

Two of the judges of the supreme court vested with similar powers in case they are not executed as above directed.
K.&R. v. 1.
264. § 12
Sess. 30, c 112

Secretary of the state and the others to be sworn.

XX. *And be it further enacted,* That when a senator is to be chosen at any election, in the room of one dead or removed from office, it shall not be necessary for any elector to designate on his ballot whom he votes for as senator, in the room of the person deceased or removed from office; but the person who shall have the greatest number of votes for senator, shall be considered as elected for the longest time, and so successively until each vacancy be filled, without regarding any designation or the order of placing the names of the persons voted for, upon any of the ballots taken at such election.

Voters for senators in place of those dying, need not designate, etc.
K.&R. v 1, 264
§ 13
Gr. v 1, 339

XXI. *And be it further enacted,* That the governor and lieutenant-governor so elected, having respectively taken their oaths of office, shall enter upon the execution of their offices on the first day of July next after their election; and the senators and members of assembly so elected, shall give their attendance, and take their respective seats in senate and assembly, on the first Monday of July after their election, or the next meeting of the legislature thereafter.

When the officers elected shall enter on their office.
K.&R. v 1, 264
§ 14

XXII. *And be it further enacted,* That every mortgagor, while he continues in the occupation of the premises mortgaged, and every mortgagee of a real estate to him and his heirs, after he obtains possession of the mortgaged premises, and every person possessed of a freehold in right of his wife, shall be deemed and

Mortgagors and mortgagees when qualified to vote.
K.&R. v. 1.
264. § 15.

esteemed a freeholder within the meaning of this act; but that no person under the age of twenty-one years, nor any one not being a citizen of this state or of the United States, or of one of them, shall have a right to vote at any such election.

Penalty on secretary of state etc. for neglect of duty or corrupt conduct under this act.
K.&R. v. 1.
264. § 16.
Sess. 30, c 112

XXIII. *And be it further enacted*, That if the said secretary, or surveyor-general, or attorney-general, or comptroller, or treasurer, or any justice of the supreme court, or any clerk or sheriff of any of the counties of this state, or any of the said inspectors, shall be guilty of any wilful neglect of the duties required of them by this act, or of any partial or corrupt conduct in the execution of the same, and be thereof convicted, every of them so offending and convicted, shall forfeit and pay for every such offence the sum of five hundred dollars, to be recovered by action of debt, or by information in any court of record, the one moiety thereof to the use of any person who shall prosecute for the same, and the other moiety thereof to the use of the people of this state; and if the prosecutor in any such suit shall prevail, he shall likewise recover his costs of suit against the person convicted; but if the person so proceeded against shall be acquitted, he shall recover double costs against the prosecutor; and no process shall issue to bring in the party accused, until bond be filed in the office of the clerk of the court out of which such process shall issue, in the penalty of five hundred dollars, with two sufficient freeholders as sureties, such as the court shall approve, to secure the defendant double costs, to become due on a discontinuance, withdrawing of the suit, or an acquittal or neglect to bring the same to trial, within five terms after the appearance of the defendant to answer the same: *And further*, That every person so convicted shall also suffer the same pains and penalties as in cases of wilful and corrupt perjury, and shall, from and after such conviction, be utterly disqualified to hold or enjoy any place or office in this state.

How recovered.

Further punishment.

Penalty on persons guilty of bribery or corruption
K.&R. v. 1
264. sec. 17

XXIV. *And be it further enacted*, That whoever shall, by bribery, menace or other corrupt means or device whatsoever, either directly or indirectly attempt to influence any elector of this state, in giving his vote or ballot, or deter him from giving the same at any election within this state, by virtue of this act, and shall thereof be convicted, such person, so offending and convicted, shall forfeit and pay for every such offence, the sum of one thousand two hundred and fifty dollars, to be sued for and recovered by any person, and in the manner and under the restrictions above prescribed in actions to be brought for neglect of duty or corrupt conduct; one moiety of which penalty shall be recovered to the use of the person prosecuting for the same, and the other moiety thereof to the use of the people of this state; and on such conviction the person convicted shall forever thereafter be utterly disqualified to hold, exercise or enjoy any office or place of trust or profit within this state.

How recovered and applied

Penalty on calling out the militia at or near the election
K.&R. v. 1,
264 § 13

XXV. *And be it further enacted*, That no officer or other person, shall call out or order any of the militia of this state to appear or exercise on any day, during any election to be held by virtue of this act, or within ten days previous thereto, except in cases of invasion or insurrection, on pain of forfeiting the sum of

Five hundred dollars for every such offence, to be recovered by any person who will sue for the same, with costs, the one moiety of such penalty to his own use, and the other moiety thereof to the use of the people of this state.

XXVI. *And be it further enacted*, That it shall not be lawful for any officer or minister of justice to serve any civil process in any city or town in this state, on any person entitled to vote at any election to be held by virtue of this act, between the day preceding such election, and the day subsequent to the closing of the poll thereof, in such town or ward.

Voters when
exempted
from civil pro-
cess
K. & R. v 1
264. § 19

XXVII. *And be it further enacted*, That the city of Hudson shall be considered as a town for all the purposes contemplated by this act.

Hudson a
town under
this act
K. & R. v 1
264. § 20

XXVIII. *And be it further enacted*, That it shall and may be lawful to and for a majority of the inspectors of any election, to be held in pursuance of this act, to do and execute all and singular the trusts and duties herein before required to be done and executed by the inspectors of any such election.

A majority of
the inspectors
may act

XXIX. *And be it further enacted*, That the act, entitled "an act for regulating elections," passed the twenty-fourth of March, one thousand eight hundred and one; the act, entitled "an act respecting elections in the city of New-York," passed February twentieth, one thousand eight hundred and seven; the first section of the act, entitled "an act concerning escapes, and for other purposes," passed April fifth, one thousand eight hundred and ten; the act, entitled "an act to prevent frauds and perjuries at elections, and to prevent slaves from voting," passed April ninth, one thousand eight hundred and eleven; the twentieth section of the act, entitled "an act for the payment of certain officers of government, and for other purposes," passed April fifth, one thousand eight hundred and two, and the act, entitled "an act supplementary to the act, entitled "an act for regulating elections," passed April third, one thousand eight hundred and seven, and the act, entitled "an act for regulating elections," passed March nineteenth, one thousand eight hundred and thirteen, be and the same are hereby repealed.

Certain acts,
and parts of
acts, repealed

[*Note.*—The first election in this [then] colony, was held in 1683. The Governors being appointed under the Crown, the elections were held only for members of the general assembly: Those elections, until March 27, 1778, were held before the sheriff, by poll, and not by ballot—*vide* J. & V. v. 1. 26; at this time an election law was passed, which continued till the 13th February, 1787—*vide* J. & V. v. 2. 27: By this last law the sheriffs received the ballot boxes with the ballots, &c. for governor, Lt. governor and senators, and delivered them in to the secretary's office, where they were canvassed by a joint committee of the legislature; the ballots for assemblymen, were canvassed by the mayor, &c. in N. York, and in the other counties, by the supervisors, and judges, and assistant justices of the common pleas; the votes for members of congress were canvassed as those for governor, &c.—*vide* J. & V. v. 1. 395. On the 27th March, 1799, an act was passed adopting the system now in force, viz: Of the inspectors of the polls of election, canvassing the votes, &c.—*vide* Lor. And. 668; sess. 22. ch. 51. This system, after some improvements, has at length assumed its present appearance. The English acts of parliament, with regard to the choice of members thereof, &c. are, 4. Ed. 3. c. 14—46. Ed. 3—5. R. 2. st. 2. c. 4—21. R. 2. c. 16—7. H. 4. c. 15—11. H. 4. c. 1—6. H. 6. c. 4—23. H. 6. c. 14—1. H. 5. c. 1—8. H. 6. c. 7—16. Car. 1. c. 1—16. Car. 2. c. 1—12. Car. 2. c. 1—5. W. & M. c. 20—5. W. & M. c. 2—7 & 8. W. 3. c. 7, 25, 27—6. Ann. c. 23—9. Ann. c. 5—10. Ann. c. 23—1. Geo. 1. c. 38—2. Geo. 2. c. 24—9. Geo. 2. c. 38—8. Geo. 2. c. 30—18. Geo. 2. c. 18—19. Geo. 2. c. 28—3. Geo. 3. c. 15.]

CHAP. LIX.—(R.L.)

An ACT relative to the University.

Passed April 5, 1812.

[J.&V. v. 2. 143.—Gr. v. 1. 434.—K.&R. v. 2. 233.]

An university
instituted.
K.&R. v. 2
233. sec. 1

[University
first institut-
ed, May 1,
1784.—vide
Gr. v 1. 434.]
1 Bl. Com.
497, 498.
Regents.
13 Eliz. c 20

To continue
in office dur-
ing the plea-
sure of the
legislature.
Vacancies,
how filled.

Chancellor
and vice-
chancellor to
be appointed.

Meetings
when and
where held.

Three regents
may require a
meeting.

Eight regents
a quorum.

University in-
corporated.

*BE it enacted by the People of the State of New-York, repre-
sented in Senate and Assembly, That an university be, and is
hereby instituted within this state, to be called and known by the
name or style of The Regents of the University of the State of
New-York, that the said regents shall always be twenty-one in num-
ber, of which the governor and lieutenant-governor of the state,
for the time being, shall always, in virtue of their offices, be two;
that the governor, lieutenant-governor, and Matthew Clarkson,
Andrew King, Lucas Elmendorf, James Kent, James Cochran,
Abraham Van Vechten, Simeon De Witt, Henry Rutgers, De
Witt Clinton, Alexander Sheldon, Charles Selden, Nathan
Smith, John Tayler, Elisha Jenkins, Ambrose Spencer, Joseph
C. Yates, Solomon Southwick, Smith Thompson, and John
Woodworth, shall be, and hereby are appointed the present re-
gents; and that they and all the future regents shall continue in
place during the pleasure of the legislature; that all vacancies
in the regency which may happen by death or removal, or resig-
nation, shall from time to time, be supplied by the legislature in
the manner in which senators in the congress of the United States
are appointed; that the said regents shall convene at such time
and place as the governor shall appoint, and by plurality of voices,
by ballot, choose a chancellor and vice-chancellor, to continue
in office during the pleasure of the said regents; that the said
chancellor, or in his absence from the said meeting, the vice-
chancellor, or in case both be absent, then the senior regent pre-
sent (and whose seniority shall be decided by the order in which
the regents are named or appointed) shall preside, and in case of
division, have a casting vote at all meetings of the said regents:
that all meetings of the said regents, after the said first meeting to
be called by the governor as aforesaid, shall be held at such time
and place as the chancellor, or in case of his death, absence from
the state, or resignation, the vice-chancellor, or in case of the death,
absence from the state, or resignation of both of them,
then at such time and place as the senior regent present in
the state shall appoint; and it shall be the duty of the chan-
cellor, vice-chancellor, or senior regent, as the case in virtue of
the above contingencies may be, to order and call a meeting of
the said regents whenever and as often as three regents shall, in
writing, apply for and request the same, such order or call to be
published in one or more of the public newspapers in the city of
Albany, at least ten days prior to such meeting: *And further,*
that any eight of the said regents meeting, at the time and place
so ordered, shall be a quorum, and be enabled to transact and do
the business, which by this act they shall be authorised or direct-
ed to do and transact; that the said university shall be and here-
by is incorporated, and shall be known by the name of The Re-
gents of the University of the State of New-York, and by that*

name shall have perpetual succession and power to sue and be sued, to hold property real and personal, to the amount of the annual income of forty thousand bushels of wheat, to buy and to sell, and otherwise lawfully dispose of lands and chattels, to make and use a common seal, and to alter the same at pleasure.

Annual income limited.
18 Eliz. c 6

II. *And be it further enacted*, That the said corporation shall appoint, by ballot, a treasurer and a secretary, to continue in office during the pleasure of the corporation; that the treasurer shall keep fair and true accounts of all monies by him received and paid out, and that the secretary shall keep a fair journal of the meetings and proceedings of the corporation, in which the yeas and nays on all questions shall be entered, if required by any one of the regents present; and to all the books and papers of the corporation every regent shall always have access, and be permitted to take copies of them.

A treasurer and secretary to be appointed, and their duties.
K. & R. v 2
233. § 2

III. *And be it further enacted*, That it shall and may be lawful to and for the said regents, and they are hereby authorised and required to visit and inspect all the colleges, academies, and schools which are or may be established in this state, examine into the state and system of education and discipline therein, and make a yearly report thereof to the legislature, and also to visit every college in this state once a year, by themselves or by their committees, and yearly to report the state of the same to the legislature, and to make such by-laws and ordinances, not inconsistent with the constitution and laws of this state, as they may judge most expedient for the accomplishment of the trust hereby reposed in them; and in case the trustees of the said colleges, or any of them, shall leave the office of president of the college, or the trustees of any academy, shall leave the office or place of principal of the academy vacant, for the space of one year, it shall, in all such cases, be lawful for the regents, unless a reasonable cause shall be assigned for such delay to their satisfaction, to fill up such vacancies; and the person by them appointed shall continue in office during the pleasure of the regents, and shall respectively be received by the college or academy to which they may be appointed, and shall have all the powers and the same salary, emoluments and privileges, as his next immediate predecessor in office enjoyed, if any predecessor he had, if not, then such salary as the regents shall direct, to be paid by the trustees, who shall out of the funds or estate of their college or academy, be compellable by the said president or principal to pay the same.

The regents declared visitors of all colleges, academies and schools.
K. & R. v 2
233. § 3
1 Bl. Com. 509
To report to the legislature.
To make by-laws, etc.

Vacancies of president of a college, when to be filled by the regents.

His rights.

IV. *And be it further enacted*, That it shall and may be lawful to and for the said regents, from time to time, to apply such part of their estate and funds in such manner as they may think most conducive to the promotion of literature and the advancement of useful knowledge within this state: *Provided always*, That where grants shall be made to them for certain uses and purposes therein expressed and declared, the same shall not be applied, either in the whole or in part, to any other uses.

Power of the regents over their funds.
K. & R. v. 2.
233. sec. 5

Proviso.

V. *And be it further enacted*, That the regents shall annually meet on the second Thursday next after the senate and assembly at the annual session of the legislature, shall have formed

Annual meeting of the regents.
K. & R. v. 233
sec 6

a quorum respectively, and at the assembly chamber, immediately after the assembly shall have adjourned; that the said regents, at such meetings and all others, may adjourn from time to time, not exceeding ten days' at any one time.

Colleges how
to be founded
and organiz-
ed.
K&R. v 2. 233
sec. 7

[§ 9, 10 and 11
sections of K.
& R. v. 2. 236,
237, 238 are
repealed by
sess. 33. c 85
sec. 11.]

VI. *And be it further enacted*, That any citizen or citizens, or bodies corporate within this state, being disposed to found a college at any place within the same, he or they shall, in writing, make known to the regents the place where, the plan on which, and the funds with which, it is intended to found and provide for the same, and who are proposed for the first trustees; and in case the regents shall approve thereof, then they shall declare their approbation by an instrument under their common seal, and allow a convenient time for completing the same; and if at the expiration of the said time, it shall appear to the satisfaction of the regents, that the said plan and propositions are fully executed, then they shall, by act under their common seal, declare that the said college, to be named as the founders shall signify, and with such trustees not exceeding twenty-four, nor less than ten, as they shall name, shall forthwith become incorporated, and shall have perpetual succession, and enjoy all the corporate rights and privileges enjoyed by Columbia college, in and by the act, entitled, "An act to institute an university within this state, and for other purposes therein mentioned," passed April 13, 1787.

Degrees how
conferred.
K&R. v 2
235. sec. 4
W. v 5. 565
Sess. 32 c 181

VII. *And be it further enacted*, That the said regents shall have the right of conferring by diplomas, under their common seal, on any person or persons whom they may think worthy thereof, all such degrees, above or beyond those of bachelor or master of arts, as are known to, and usually granted by, any university or college in Europe, and the degree of doctor of medicine granted by the said regents, shall authorise the person on whom it is conferred to practice physic and surgery in this state, any thing in any law to the contrary notwithstanding.

Charter to the
college of phy-
sicians, etc. in
N. York con-
firmed.
K&R. v 2. 245
§ 1 & 2
Sess. 35. c. 237
§ 3

VIII. *And be it further enacted*, That the charter granted to the college of physicians and surgeons in the city of New-York, by the regents of the university, bearing date the fourth day of June, one thousand eight hundred and twelve, be and the same is hereby ratified and confirmed, any grant or charter heretofore made by the said regents to the said college to the contrary notwithstanding: *Provided always*, That the amount of the property which the said college shall or may be authorised to hold, shall never exceed in value one hundred and fifty thousand dollars, current money of New-York; and that the said regents reserve to themselves the right of conferring degrees, and appointing the professors or teachers of the several branches of the medical science in the said college, and of filling all such vacancies as shall or may arise among the trustees or members thereof: *And provided also*, That any of the trustees of the said college shall, in the discretion of the regents of the university, be appointed professors and teachers in the said college, any law to the contrary notwithstanding.

Regents may
amend the
charter.

IX. *And be it further enacted*, That it shall be lawful for the said regents at any time or times hereafter, to alter and amend the said charter: *Provided*, Such alterations or amendments be not re-

pugnant to the constitution or laws of this state, or inconsistent with vested interests.

X. *And be it further enacted*, That upon the application of the founders and benefactors of any academy, now or hereafter to be erected or established within any of the cities or counties of this state, or as many of them as shall have contributed more than one half in value of the real and personal property and estate, collected and appropriated for the use and benefit thereof, by an instrument in writing under their hands and seals to the regents of the university, expressing their request that such academy should be incorporated, and be subject to the visitation of the regents, nominating in such instrument the trustees, not more than twenty-four nor less than twelve, for such academy, and specifying the name by which the said trustees shall be called and distinguished; and whenever any such request shall be made to the said regents, they shall, in every such case, (if they conceive such academy calculated for the promotion of literature) by an instrument under their common seal, signify their approbation of the incorporation of the trustees of such academy, named by the founders thereof by the name mentioned in and by their said request in writing, which said request in writing and instrument of approbation by the said regents, shall be recorded in the secretary's office of the state.

Academies how founded and incorporated.
K. & R. v. 2, 238 § 12.

Subject to visitation.

Trustees.

Regents to signify their approbation.

XI. *And be it further enacted*, That the trustees so constituted, shall be the first trustees for the academy for which they shall be appointed, and immediately after recording the said request in writing and instrument of approbation, shall be legally invested with all the real and personal estate appertaining to such academy, or in any wise given or granted for the use thereof; and the said trustees, from the time of their appointment as aforesaid, and their successors forever thereafter, shall be a body corporate and politic, in deed, fact and name, known and distinguished by the name and style to be expressed in the said instrument, and by that name shall have perpetual succession, and be capable in the law to sue and be sued, and defend and be defended, in all courts and in all causes, plaints, controversies, matters and things whatsoever, and by the same name and style, they and their successors shall lawfully hold, use and enjoy, the lands, tenements and hereditaments in any wise appertaining to the academy for which they shall be constituted trustees, and shall and may lawfully have, take, acquire, purchase and enjoy, lands, tenements and hereditaments, and use and improve such goods and chattels, in such manner as they shall judge to be the most beneficial for such academy: *Provided*, That the annual revenue or income arising from the real and personal estate of any such academy, shall not exceed the value of four thousand bushels of wheat, any law, usage, or custom, to the contrary notwithstanding.

Academy when to be deemed incorporated.
K. & R. v. 2, 238 § 13.

General corporate rights and powers.

Proviso, limiting its revenue, etc.

XII. *And be it further enacted*, That it shall and may be lawful to, and for such trustees and their successors forever, to have and use a common seal, and the same to alter, break and make anew at their pleasure; and as often as any three or more of the said trustees shall think fit, and signify their request, the senior trustee actually exercising his office, and residing within three miles of such academy, shall call a meeting of the said trustees, at

Trustees of Academies to have a common seal.
K. & R. v. 2, 238 § 14.

Meeting of trustees.

Who to pre-
side.

Quorum;

Treasurer
clerk.

By-laws,

Vacancies in
trustees, how
filled up
K&R. v 2
238. § 15

Visitors of
academies
K&R. v 2
238. § 16

Scholars in
academies
when and
how admitted
into college
K&R. v 2
238. § 17

But such aca-
demies first to
report their
system of edu-
cation to the
regents
K&R. v 2
238. § 18

such convenient time and place as he shall appoint, not less than eight nor more than twelve days from the time of such request, of which previous notice in writing shall be affixed on the door of the academy and of the church nearest thereto, within two days after such appointment; and at every such meeting the senior trustee shall preside, such seniority in all cases to be determined according to the order of their nomination in the said instrument, or according to the priority of election after all the first trustees shall become extinct; and the major part of such trustees shall always be a sufficient quorum to proceed on business, and shall have full power and authority to adjourn from time to time, as the duties of their trust may require; and it shall and may be lawful to and for such quorum of the said trustees, when assembled and met in manner aforesaid, or the major part of them, from time to time to appoint a treasurer and clerk, principal, masters, tutors, teachers and other necessary officers, to ascertain their respective salaries, and to remove and displace any of them at their pleasure, and to make by-laws for the admission, education, government and discipline of the scholars and students, and the establishment of the price or terms of tuition, for securing, revising and paying out and disposing of the revenues, and in general for conducting and managing the estate, business and affairs of the said academy, and every matter and thing relating thereto, in such manner as they shall judge to be most conducive to its interest and prosperity, and the end of their trust.

XIII. *And be it further enacted*, That whenever a vacancy shall happen in any corporation of trustees by the death, resignation or refusal to act, of any trustee, it shall and may be lawful to and for the trustees of such academy, and they are hereby authorised and required at any legal meeting of the trustees to elect and choose a fit person to fill up and supply such vacancy.

XIV. *And be it further enacted*, That the regents of the university, the chancellor, vice chancellor or a committee of the regents, shall be visitors of all academies as often as they see proper to inquire into the state and progress of literature therein.

XV. *And be it further enacted*, That when any scholar who shall be educated at any of the said academies, on due examination, by the president and professors of any college subject to the visitation of the said regents, shall be found competent, in the judgment of the said president and professors, to enter into the sophomore, junior or senior classes of such colleges, respectively, such scholar shall be entitled to an admission into such of the said classes, for which he shall be so adjudged competent, and shall be admitted accordingly at any one of the quarterly examinations of such respective classes.

XVI. *Provided always, and be it further enacted*, That to entitle the scholars of any such academy to the privileges aforesaid, the trustees thereof shall lay before the regents of the said university, from time to time, the plan or system proposed to be adopted for the education of the students in each of the said academies respectively, in order that the same may be revised and examined by the said regents, and by them be altered or amended, or approved and confirmed, as they shall judge proper.

XVII. *And be it further enacted,* That whenever it shall appear to the said regents that the state of literature in any academy is so far advanced, and the funds will admit thereof, that it may be expedient that a president be appointed for such academy, the said regents shall in such case signify their approbation thereof, under their common seal, which being entered of record as aforesaid, shall authorise the trustees of such academy to elect a president, who shall have, hold and enjoy all the powers that the president of any college recognized by this act, shall or may lawfully have, hold and enjoy; and such academy thereafter, instead of being called an academy, shall be called and known by the same name it was called while it was an academy, except that the word college shall be used in all cases instead of the word academy, and be subject to the like rules, regulations, controul and visitation of the regents, as other colleges mentioned in this act.

Academies,
when and
how advanced
into colleges
K&R. v 2
238. § 19

XVIII. *And be it further enacted,* That no president or professor shall be ineligible for or by reason of any religious tenet or tenets that he may or shall profess, or be compelled by any law or otherwise to take any test oath whatsoever; and no professor or tutor of any college or academy recognized by this act, shall be a trustee of any such college or academy; nor shall any president of any college or principal of any academy who shall be a trustee, have a vote in any case relating to his own salary or emoluments; nor shall any trustee, president, principal, tutor, fellow or other officer of any college or academy be a regent of the university.

No religious
test required
of a president,
etc.
K&R. v 2
238. § 20
And no pro-
fessor to be a
trustee, &c.

What trust-
ees excluded
from voting in
certain cases

XIX. *And be it further enacted,* That whenever any person now or hereafter appointed a trustee of any college or academy shall be appointed or elected a regent of the university, and whenever any person being a regent of the university shall be appointed or elected a trustee of any college or academy, such person so appointed or elected shall, on due notice thereof, decide and elect in which of the said places he will serve, and by writing under his hand, shall make known such election, whether of refusal or acceptance, to those by whom he was elected, to the end that such appointment may take effect in case he accept it, or that they proceed to a new appointment in case he refuse it.

No person can
be both regent
and trustee
K&R. v 2
238. sec 21

But he must
elect in which
to serve

XX. *And be it further enacted,* That it shall and may be lawful for the trustees of any incorporated academy within this state, when legally convened, to choose by a majority of votes, one of their body as president, for one year, or until another shall be chosen in his room, which president, so chosen, may do and perform all the duties required to be done by the senior trustee of such academy, in pursuance of this act.

Trustees may
choose a presi-
dent

CHAP. LXXXII.—(R.L.)

An ACT relating to the different Colleges within this State.

Passed April 9, 1813.

[Sess. 33. 85.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the present trustees of Co-

Columbia col-
lege, its trust-

tees and revenue, etc.
Gr. v 1. 447
K and R. v 2
236. sec 5
W. v 6, 24
Sess 33. c 85

Proviso

Powers of trustees
W. v 6. 25
Sess 33. c 85
sec 2

Proviso.
S. 6
Sess 35. c 6

Power to remove the president.
W. v 6. 25.
Sess. 33. c 85.
§ 3

How many trustees to form a quorum.
W. v 6. 25.
Sess. 33, c 85.
§ 4

Power to appoint a chairman.
W. v 6. 25.
Sess. 33, c 85.
§ 5
To fill vacancies in the office of trustee.
W. v 6. 25.
Sess. 33, c 85.
§ 6

Columbia college, and their successors, shall be and remain forever hereafter, a body politic and corporate, in fact and in name, by the name of "the trustees of Columbia college in the city of New-York," and by that name shall and may have continual succession forever hereafter, and shall be able in law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever, and may have a common seal, and may change and alter the same at their pleasure; and also shall be able in law to take by purchase, gift, grant, devise or in any other manner, and to hold any real and personal estate whatsoever: *Provided always*, The clear yearly value of the real estate to be so acquired, shall not exceed the sum of twenty thousand dollars, and also that they and their successors shall have power to give, grant, bargain, sell, demise or otherwise dispose of, all or any part of the said real and personal estate as to them shall seem best for the interest of the said college.

II. *And be it further enacted*, That the said trustees and their successors shall forever hereafter have full power and authority to direct and prescribe the course of study, and the discipline to be observed in the said college; and also to select and appoint by ballot or otherwise, a president of the said college, who shall hold his office during good behaviour, and such professor or professors, tutor or tutors, to assist the president in the government and education of the students belonging to the said college, and such other officer or officers as to the said trustees shall seem meet, all of whom shall hold their offices during the pleasure of the trustees: *Provided always*, That no such professor, tutor, or other assistant officer shall be a trustee, but this proviso shall not extend to the provost of the said college, for the time being, who is hereby declared eligible as a trustee of said college.

III. *And be it further enacted*, That if complaint shall be made, in writing, to the said trustees or their successors, by any member of the said corporation, of any misbehaviour in office by the president, it shall be lawful for the said trustees or their successors from time to time, upon examination and such due proof of misbehaviour, to suspend or discharge such president, and to appoint another in his place.

IV. *And be it further enacted*, That eleven of the said trustees, lawfully convened as is hereinafter directed, shall be a quorum for the dispatch of all business, except for the disposal of real estate, or for the choice or removal of a president, for either of which purposes there shall be a meeting of at least thirteen trustees.

V. *And be it further enacted*, That the said trustees shall have full power and authority to elect, by ballot, their own chairman once in every year, or at such other periods as they shall prefer.

VI. *And be it further enacted*, That the said trustees shall also have power, by a majority of votes of the members present, to elect and appoint, upon the death, removal out of the state, or other vacancy of the place or places of any trustee or trustees, other or others in his or their places or stead, as often as such vacancy shall happen; and also to make and declare vacant the seat

of any trustee who shall absent himself from five successive meetings of the board, and also to meet upon their own adjournment, and so often as they shall be summoned by their chairman, or in his absence, by the senior trustee, whose seniority shall be accounted according to the order in which the said trustees are named in this act, and shall be elected hereafter: *Provided always*, That the said chairman or senior trustee shall not summon a meeting of the corporation, unless required thereto, in writing, by three of the members: *And provided also*, That he cause notice of the time and place of the said meeting to be given, in one or more of the public newspapers printed in the city of New-York, at least three days before such meeting; and that every member of the corporation resident in the city, shall be previously advertised, in writing, of the time and place of every such meeting.

To declare the seats of absenting trustees vacant.

Proviso.

Further proviso.

VII. *And be it further enacted*, That the said trustees and their successors shall have power and authority to grant all such literary honors and degrees, as are usually granted by any university, college or seminary of learning, in this state or in the United States, and in testimony of such grant, to give suitable diplomas, under their seal and the signatures of the president, and such professors or tutors of the college as they shall judge expedient; which diplomas shall entitle the possessors respectively to all the immunities and privileges which, either by usage or statute, are allowed to possessors of similar diplomas, from any university, college or seminary of learning.

To grant literary honors and diplomas. W. v 6, 25, 26. Sess. 33, c 85. § 7, 8.

VIII. *And be it further enacted*, That the said trustees and their successors shall have full power and authority to make all ordinances and by-laws, which to them shall seem expedient, for carrying into effect the designs of their institution: *Provided always*, That such ordinances or by-laws shall not make the religious tenets of any person a condition of admission to any privilege or office in the said college, nor be inconsistent with the constitution and laws of this state, nor with the constitution and laws of the United States.

To make by-laws. W. v 6, 26. Sess. 33, c 85. § 9. Proviso.

IX. *And be it further enacted*, That all the real and personal estate whatsoever and wheresoever, which were formerly vested in the governors of the college of the province of New-York, in the city of New-York, in America, or in the trustees of Columbia college, in the city of New-York, be and the same is hereby confirmed to and vested in the said trustees of Columbia college, in the city of New-York, and their successors forever, for the sole use and benefit of the said college, and that it shall and may be lawful to and for the said trustees and their successors, to grant, bargain, sell, demise, improve and dispose of the same, as to them shall seem meet: *Provided always*, That the lands given and granted to the governors of the college of the province of New-York, in the city of New-York, in America, by the corporation heretofore styled "the rector and inhabitants of the city of New-York, in communion of the church of England, as by law established," on part whereof said college is erected, shall not be granted for any greater term of time than sixty-three years.

Their former estate confirmed to them, and power to sell same, &c. W. v 6, 26. Sess. 33, c 85. § 10.

Proviso.

A certain grant to Union college by the Schenectady corporation confirmed.

X. *And be it further enacted*, That the agreement made between the trustees of Union College, in the city of Schenectady, and the mayor, aldermen and commonalty of the said city, relative to the purchase or exchange of certain real estate lying within the bounds of the said city, be and the same is hereby confirmed and declared valid in law, to every intent and purpose therein expressed and declared, any law to the contrary notwithstanding.

Certain monies granted to Union college, how vested and appropriated. Act of March 30, 1805. W. v 4, c 62.

XI. *And be it further enacted*, That the sum of thirty-five thousand dollars, heretofore paid to the trustees of the said college out of the avails of certain lotteries, shall be and remain at interest, payable annually, on approved landed security, or shall be invested in public stock, in such manner as the trustees of the said college, from time to time, by and with the consent, in writing, of the person administering the government of this state, or the chancellor thereof, shall direct and prescribe; and the annual income of such sum shall forever hereafter be solely and exclusively applied for the support of such professorships as are or may be instituted in the said college; and that it shall not be lawful for the said trustees or their successors, at any time hereafter, to lessen the said principal sum of thirty-five thousand dollars, or to appropriate the same, or any part thereof, to or for any use or purpose whatsoever; and the said trustees shall annually exhibit to the legislature a just, true and circumstantial account of their proceedings in relation to the disposition and application of the interest that shall accrue from the said principal sum of thirty-five thousand dollars, and how the said principal sum is invested, or to whom, and on what security, placed at interest.

Certain other monies also vested and appropriated. *Vide last reference.*

XII. *And be it further enacted*, That thirty-five thousand dollars, also paid, or to be paid, to the trustees, out of the avails of certain lotteries, shall be applied towards the erection of such additional edifices for the accommodation of the students in the said college, as they shall deem proper; and ten thousand dollars, also paid, or to be paid, the said trustees, out of the avails of certain lotteries, shall be invested or put out at interest, in the manner declared in the preceding section, one half of the income whereof to be laid out by the said trustees in establishing and maintaining forever a classical library, from which library all the students in the seminary shall be furnished with the books which they are required to study, subject to such regulations as the board of trustees shall prescribe, paying for the use of the same one dollar and fifty cents per quarter: *And further*, All indigent students, who shall make it appear to the faculty of the college that they are embarrassed for want of pecuniary resources, shall, during good behavior, be furnished, free of expense, with the books necessary for pursuing their education: *And further*, The remaining half of the income of the said ten thousand dollars shall forever be appropriated towards defraying the expenses of such indigent scholars as may be, from time to time, pursuing their education in said seminary.

As to indigent students.

Number of trustees declared and limited

XIII. *And be it further enacted*, That the number of trustees of said college shall not exceed twenty-one in number, and of that number the chancellor, the justices of the supreme court, the

secretary of state, the comptroller, the treasurer, the attorney-general and the surveyor-general for the time being shall respectively be *ex-officio* trustees of said college: And further, The regents of the university are authorised to fill all vacancies of the said trustees, from time to time to take place, but nothing herein contained shall prevent the present trustees from holding and enjoying their said trust.

vide last reference

Vacancies how filled

XIV. *And be it further enacted*, That the grants of funds and land heretofore made to the said college by the people of this state be and hereby is confirmed, but all former responsibilities and engagements of the said college to the people of this state, by reason of any monies borrowed or advanced, shall be and remain in like manner as if this act had not been passed.

Certain grants and funds to Union College confirmed

XV. *And be it further enacted*, That it shall not be lawful for any person to entice the students of Union College, or of the grammar-school belonging to the same, into the vice of gaming, by keeping within the first and second wards of the city of Schenectady, any billiard-table or other instrument or device for the purpose of gaming; and that if any person shall keep any billiard-table or other instrument or device for gaming within the aforesaid first and second wards of the city of Schenectady, or shall entice or permit any student of Union College, or of the grammar-school belonging to the same, to game or play at the said billiard-table or other instrument or device aforesaid, or shall entice or permit them, or any of them, to enter the place where the same is kept, every person so offending shall forfeit the sum of twenty-five dollars for every such offence, to be recovered in an action of debt in any court having cognizance thereof, the one moiety to the use of the people of this state, and the other to the benefit of such person as shall prosecute therefor.

Gaming, etc. in the first and second wards of Schenectady prohibited to the students and how W v 5. 310 Sess. 31. c 126 § 1

Penalty

XVI. *And be it further enacted*, That it shall be the duty of the sheriff of the county, together with the constables of the said city of Schenectady, to attend the annual commencement and the public exhibitions of the said Union College, to preserve peace and good order, and prevent any unlawful assemblage and tumult about the same.

Duty of sheriffs, etc. at commencements, etc W v 5. 310 Sess. 31. c 126 sec. 2

And whereas the comptroller, by virtue of an act heretofore passed, did transfer to the trustees of Hamilton college, bonds and mortgages executed to the people of this state, for lands in the late Oneida reservation, to the amount of fifty thousand dollars: Therefore,

Recital

XVII. *Be it further enacted*, That upon the payment of the interest due, or to grow due on the said bonds and mortgages at or before the expiration of one year after the same shall have become due, the payment of the principal shall not be demanded until the expiration of ten years from the nineteenth day of June, one thousand eight hundred and twelve, pursuant to the terms and conditions of the act aforesaid.

Certain mortgages and bonds transferred to Hamilton college and principal how payable S. 471 Sess 35 c 237

[*Note.*—Columbia College (then called *King's College*) received its charter Oct. 31, 1754. Its charter rights were confirmed, with some modifications, the 13th April, 1784—*vide* Gr v. 1. 437. Union College received its charter from the Regents of the University, Feb. 25, 1795—*vide* Secretary's office for the record thereof. Hamilton College was incorporated in 1812.]

An ACT to regulate Highways.

Passed March 19, 1813.

[K.&R. v. 1. 588.—Sess. 31. c. 205.—W. v. 5. 66. 386, &c. &c.]

Duties of the
commissioners
of highways.
K. and R. v. 1.
588—W. v. 5.
386—Sess. 31.
c. 205 § 1

I. BE it enacted by the people of the state of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of highways in the several towns of this state, except in the city and county of New-York, the counties of Suffolk, Queens, Kings and Richmond, to give directions relative to the repairing of the roads and bridges within the towns for which they are respectively appointed, to regulate the roads already laid out, and to alter such as they or a majority of them shall conceive inconvenient; to cause such of the roads as are not already described and recorded, to be ascertained, described and entered of record in the town-clerk's office, to cause to be kept in repair the highways and bridges erected, or which may be erected over streams intersecting highways, to require the overseers, from time to time, and as often as they shall deem necessary, to warn the people assessed to work highways, to come and work thereon, with such implements, carriages, cattle and sleds, as the said commissioners or any one of them shall direct, and shall have full power and lawful authority under the restrictions herein after mentioned, to lay out, on actual survey, such new roads in the several towns as they may deem necessary and proper, and to discontinue such old roads and highways as shall appear to them on the oaths of twelve freeholders of the same town to have become useless and unnecessary.

2 John. Rep.
421—7 Ib. 549
1 Bl Com. 376
2 K. & 3 Ph. & M.
c. 8—13 Geo.
3. c. 79—14
Geo. 3. c. 14,
36, 57, 92—16
Geo. 3. c. 39
18 Geo. 3. c.
28

Commission-
ers to divide
towns into
road districts.
K. and R. v. 1
589 § 3

II. And be it further enacted, That the commissioners of the respective towns, or the major part of them, shall annually, at least ten days before the annual town-meeting, if they shall judge the same necessary, by writing under their hands, to be lodged with the town-clerk and by him to be entered in the town-book, divide their respective towns into as many road districts as they shall judge convenient, and to assign to each of the said road districts, such of the inhabitants liable to work on highways, as they shall think proper, having regard to proximity of residence, as much as may be.

Duty of the
overseers of
highways.
K. and R. v. 1
589 § 5

III. And be it further enacted, That it shall be the duty of the overseers of highways, to repair and keep in order the highways within the several districts for which they shall be elected, to warn all persons assessed to work on the highways in their respective districts, to come and work when required so to do by the commissioners, or any one of them, to collect all fines and commutation money, and to execute all such orders of the commissioners of the town to which they belong, as shall be given by them in conformity to law; and if any overseer shall be employed more days in executing the several duties enjoined on him by this act than he is assessed to work on the highway, he shall be paid for the excess at the rate of one dollar per day, and be allowed to retain the same out of the monies which may come into his hands for fines in conformity to this act, but shall not be permitted to commute for the days he is assessed.

IV. And be it further enacted, That all freeholders and every free male inhabitant, being above the age of twenty-one years, shall be assessed to work on the public roads and highways, ministers of the gospel and priests of every denomination excepted.

Persons liable to be assessed.
K. & R. v 1. 590

§ 5
Persons exempt.

V. And be it further enacted, That the commissioners for each town in the several counties aforesaid, shall meet within eighteen days after they shall be so chosen, at the place of town-meeting, on such day as they shall agree upon, and as often afterwards as need shall be, and at such time and place as they shall think meet; that each of the overseers of the road districts respectively, shall deliver a list subscribed by such overseer, to the clerk of the town for which he is elected or appointed, within sixteen days after the day of election, which list shall contain the names of all the inhabitants in such road district, who are in and by this act made liable to work on the highways; that the said clerk shall deliver such list to the commissioners of the town, who, or a majority of them, shall at their next meeting, or as soon as may be thereafter, affix to the names of each person mentioned in such lists respectively, the number of days which such person shall be liable to work on the highways in the same year, to be determined by the commissioners in proportion to the estate and ability of each person; and the commissioners shall thereupon, after causing the clerk of the town to make a copy of such list, and after the said commissioners; or a majority of them, shall have subscribed the copies of such list, cause the same respectively to be delivered to the overseers of the town who returned the same in the manner herein before mentioned, or their successors in office: *Provided always,* That if the name of any person shall be left out of such list, or there shall be an accession of new inhabitants, such persons whose names are omitted, or shall move into the town, shall from time to time be added to the said list, and the persons be rated by the said commissioners to work on the highways: *Provided also,* That no person shall be assessed more than thirty days nor less than one day, in one year: *And provided further,* That the whole number of days assessed in any town, shall be at least three times the number of the persons subject to work on the highways in such town: *And further,* That not less than one half of the days so assessed, shall be worked out in each road district before the first day of July in every year.

Further duty of commissioners of highways.
K. & R. v 1. 590

§ 7

Duty of overseers of highways as to lists, etc.
1 John. Rep. 514, 515

Proviso, as to names omitted.

Further proviso.
Further proviso.

Further proviso.

VI. And be it further enacted, That when it shall happen that in any of the counties subject to this act, a greater quantity of work is required to keep in repair the roads than has been rated on the inhabitants of any of the road districts in any town by the commissioners at their annual meeting agreeable to this act, then and in such case it shall be lawful for the overseers of roads in each district, and they are hereby required to make out another assessment in the same proportion as near as may be, not to exceed one third of the number of days assessed before in the same year.

When a re-assessment can be made.
K. & R. v 1. 591
§ 9

VII. And be it further enacted, That if any overseer of the highways shall require any team, cart, waggon or plough, with a pair of horses or oxen, and a man to manage the same, from any person so assessed as aforesaid, and having the same, and who shall not commute for the days he may be assessed, the person

Teams, etc., how to be estimated.
K. & R. v 1. 591
§ 10

furnishing the same, when warned so to do by any overseer, shall be entitled to a credit of three days work for one man, and the fine for neglect or refusal shall be proportionable, that is to say, three times the fine to be imposed for the neglect of one person for one day.

Rate of commutation.
K&R v l. 591
§ 8

VIII. *And be it further enacted*, That every person subject by this act to work on the highways, other than an overseer of the highways, and who shall be assessed in manner aforesaid, shall work the whole number of days he shall be so assessed, or commute for the same at and after the rate of sixty-two and an half cents for each day, which money shall be paid to the overseer of the highways of the district in which the person paying the same shall reside, to be by the said overseer applied and expended in the improvement of the roads and bridges in the same district.

Penalty on persons refusing to work, or commute, or being idle, &c.
K&R v l. 591
§ 11.

IX. *And be it further enacted*, That it shall be the duty of the overseers of highways, to give at least twenty-four hours notice to all persons assessed to work on the highway, and residing within the limits of their respective districts, of the time and place when and where they are to appear for that purpose; and if any person so assessed and duly notified as aforesaid, shall neglect or refuse to appear in person or by an able bodied man as a substitute, or to bring with him such implements, carriages or cattle as required, or shall remain idle or not work faithfully, or hinder others from working, or neglect or refuse to pay the commutation money in lieu of such attendance, such offender shall, for every such offence, forfeit the sum of one dollar; and it shall be the duty of such overseer, and he is hereby required, within six days thereafter, in every case in which he shall deem the excuse for such neglect or refusal insufficient, to make complaint thereof in writing, under his hand, to one of the justices of the peace of the town for which he shall be elected, if any there be, and if there be no justice of the peace in such town, then to the next justice of the adjoining town, and the justice to whom such complaint shall be made, shall forthwith issue a warrant, under his hand and seal, directed to any constable of the ward or town where such delinquent shall reside, commanding him to levy such fine on the goods and chattels of such offender, and the justice shall be entitled to receive twenty-five cents for issuing such warrant, and the constable, the like fees as are allowed for the like services by the act, entitled "an act for the recovery of debts to the value of twenty-five dollars," and shall forthwith pay the same fines to the justice who issued the said warrant, who is hereby required to pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is overseer: *Provided*, That no such warrant shall be issued until the party so offending shall have been duly summoned forthwith to appear before the said justice to shew cause why the said fine should not be imposed, and provided that the whole of the costs shall not exceed the sum of three dollars: *And provided also*, That no excuse for refusal or neglect, on any occasion, shall exempt the person excused from working the whole number of days he may be assessed, or paying the commutation in lieu of it during the

How levied.
3 John. Rep.
474—9 ib. 229

Provided.

Further provided.

year for which he shall be assessed, and that no person shall be required to work on any highway, other than in the said district in which such person resides.

X. *And be it further enacted*, That it shall and may be lawful for the commissioners of highways, in the several towns adjoining any neighboring state or province, and they are hereby required, to assess upon all such farms or parts of farms, as lie within the jurisdictional limits of this state, although occupied and possessed by persons residing without the same, a due and equitable proportion of highway work, according to the rules prescribed in and by this act, of which assessments respectively, notice shall be given in writing, subscribed by the overseers of the road district in which such farm or part of a farm shall lie, and delivered to such occupant or possessor, or left at his or her dwelling house; and if any of the said occupants or possessors shall, after three days notice as aforesaid, refuse or neglect to work or commute for the said assessment, in like manner as the inhabitants of the several towns in this state are by this act required to do, then it shall be lawful for any justice of the peace of any county in this state, on the complaint of any of the said overseers of highways, that any person or persons assessed in his road district, residing without the limits of this state, and within the purview of this act, shall have refused to work or commute, after being notified as aforesaid, to issue his warrant under his hand and seal, directed to any constable of the town where such lands shall lie, commanding him to levy the fine prescribed by this act, for such cases of refusal or neglect, on the goods and chattels of such delinquent, and the justice and constable shall be entitled to the same fees as are allowed for like services by the preceding section of this act, and the said fine, when collected, shall be paid and applied in the manner thereby directed.

Assessments,
how collected
from persons
resident out
of the state.
Sess. 33 ch.
143. § 2

XI. *And be it further enacted*, That it shall and may be lawful for the commissioners of highways in every town in this state, whenever they shall think it necessary or useful, to direct and empower any overseer of highways in their respective towns, to procure a good and sufficient iron or steel shod scraper, for the use of his road district, to be paid for by the monies arising from commutations and fines within such district; and in case such monies should be insufficient for the purpose, such deficiency shall, by the said overseers, be assessed upon the inhabitants of the said district, in the proportion they are respectively assessed to work on the said road; and if any one so assessed, shall neglect or refuse to pay such assessment, the same may be sued for and recovered by the said overseer, with costs of suit, before any justice of the peace of the same county.

Commission-
ers may direct
a scraper for
a road district
to be procur-
ed.
W. v. 5 67
Sess. 30, ch.
50, sec. 3

XII. *And be it further enacted*, That every person assessed to work on the highways, and who shall be warned to work, and shall appear in person, or by an able bodied man, as a substitute, shall actually work eight hours in each day, and shall be liable to be fined in the sum of twelve and an half cents for every hour such person or substitute shall be in default, to be recovered and expended in like manner as the penalty for refusing or neglecting

Penalty for
not working
on the high-
ways
K&R. v 1
592, sec. 12

to work when warned, is by this act directed to be recovered and expended.

Overseers to account yearly to the commissioners
K.R. v. 1
592, sec. 3
Act of April
2, 1811.

And pay over the balance in their hands.

Penalty

XIII. *And be it further enacted*, That each overseer of the highways to be chosen or appointed hereafter, shall on the second Tuesday next preceding the time of holding the annual town-meeting in such town, within the year for which he is elected or appointed, render an account in writing to the commissioners of the town, or any two of them, who shall meet together on that day, for the purpose of receiving such return, of all persons assessed to work on the highways in the district of which he is overseer, of all those who have actually worked on the road, or highways, with the number of days they have so worked, of all those who have been fined, and the sums in which they have been fined, of all those who have commuted, of the manner in which the monies arising from fines and commutation have been expended, and shall pay to the commissioners all monies remaining in his hands unexpended, to be applied in making and improving the roads and bridges in said town, in such manner as they shall direct; and if any overseer shall neglect or refuse to render such account, or, having rendered such account, shall refuse or neglect to pay any balance which may then be payable by him, he shall forfeit the sum of five dollars, which said penalty and balance so unpaid shall be recovered by the said commissioners, or the survivors or survivor of them, in their or his name, by action of debt, in any court having cognizance thereof, with costs of suit; and the forfeiture so recovered shall, by the said commissioners, or such survivors or survivor of them, be applied in making and improving the roads and bridges in such town.

Penalty on overseers for neglect of duty
K.R. v. 1
593, sec. 14

How recovered and applied

Commissioners to fill vacancies, etc.

XIV. *And be it further enacted*, That every overseer of highways who shall neglect or refuse to warn the people assessed to work on the highways, to come to work with such implements, carriages and cattle as may be necessary, when required so to do by the commissioners or either of them, or to collect the monies that may arise from fines or commutation, or to perform any of the duties and services required by this act, or which may be enjoined on him by the commissioners of the town of which he is elected, or a majority of them, shall forfeit for every such neglect or refusal, the sum of ten dollars, to be recovered by any one of the commissioners of the same town, in his own name, before any justice of the peace in the same county, with costs of suit, to be reported, paid, and employed, in the same manner as the monies to be paid into the hands of the commissioners by the preceding section of this act are directed to be reported, paid and employed; and if any vacancy of overseers shall happen, by death or otherwise, the commissioners of the town in which such vacancy shall happen, shall appoint other or others in his or their stead; and the overseer or overseers, so appointed, shall have the same power, be subject to the same orders, and liable to the same fines, forfeitures and penalties, as overseers, chosen by this act, are liable and subject to.

Overseers to remove loose stones from the roads and

XV. *And be it further enacted*, That the overseers of highways of the different towns within this state, shall once in every month, after they are elected, from the first day of April until the first

day of December, cause all the loose stones lying on the beaten track of the road, within their respective districts, to be removed, and cause the monuments erected, or to be erected, as the boundaries of highways, to be kept up and renewed, so that the extent of such roads may be publicly known.

XVI. *And be it further enacted,* That it shall not be lawful for any commissioners of highways to lay out any road through improved or cultivated land, without the consent of the occupant or owner thereof, unless upon the application of twelve reputable freeholders of the town in which such road shall be laid out, certifying upon oath, that such road is necessary and proper; nor through any orchard or garden without the consent of the owner or owners thereof, if such orchard shall be of the growth of at least four years, or such garden shall have been cultivated as such at least four years before such highway or road shall be laid out; and if any road shall be laid out through enclosed or improved lands, the owner or owners thereof shall be paid such damages as such owner or owners may sustain by reason thereof; which damages shall be determined and assessed by two justices of the peace, and by the oath of twelve reputable freeholders, not having an interest in the land so to be laid out into a road or highway, or by three commissioners to be appointed by a judge of the court of common pleas of the county in which such land may be situated, whose duty it shall be to appoint the same, when thereunto required; and if the said occupant of the land so included in any public highway or private road, shall elect to have his damages assessed by two justices of the peace and a jury as aforesaid, the said freeholders shall be summoned by virtue of a warrant to be issued by the said two justices, to some constable of the town or county in which such road or highway shall be laid out as aforesaid, who shall neither be interested in the land through which the said road is laid out, nor in any wise akin to the owners thereof; and when any road within any town shall be laid out at the request of twelve reputable freeholders of said town, as a common public highway, the whole of the said damages, together with the charges of the commissioners, justices and freeholders, and summoning the jury, shall be presented to the board of supervisors of the county, who shall cause the same to be raised, levied and collected in said town, in the same manner as the other town charges are by law directed to be raised, levied and collected, and order the same to be paid to the commissioners of the said town, who shall pay the owner the sum assessed to him, and appropriate the residue to satisfy the costs.

XVII. *And be it further enacted,* That where any road shall run through the lands of any person, or along the boundaries thereof, in whole or in part, and the same shall become unnecessary, or be discontinued by reason of some other road to be established and laid out by virtue of this act through the lands of the same person, the jurors or commissioners making the assessment shall take into calculation the value of such road so discontinued or become unnecessary, and the benefit resulting to such person by reason of such discontinuance, and make deduction from

erect monuments, etc.

Roads through improved or cultivated land, how to be laid out, etc.
K: R v. 1
593, 594 & 15
Act of April
2, 1811.

Damages how ascertained and paid.

In case former roads are discontinued on new roads being laid out, owner to be paid for the new road, after deducting the value to him of the former road.

the amount of such assessment accordingly, and the balance and no more shall be the sum to be assessed and paid for the opening and laying out such new road ; and thereupon it shall be lawful for the owner of the land to enclose so much of the road so discontinued or become unnecessary, as shall run through his land along the boundaries thereof.

Commissioners of different towns may meet and settle the differences as to roads running into both towns
K and R. v 1
589. sec 4

XVIII. *And be it further enacted*, That when the commissioners of any town shall disagree with the commissioners of any other town, in the same county, relating to the laying out of a new road, or the alteration of an old road, extending into both towns ; or when the commissioners of a town in one county shall disagree with the commissioners of a town in another county, relative to laying out a new road, or altering an old road, which shall extend into both counties, the commissioners of both towns shall meet together, at the request of either disagreeing commissioners, and make their determination upon such subject of disagreement.

Duty of commissioners as to roads laid on the line between two towns
W v 5 66
Sess 30. c 50
sec 1

XIX. *And be it further enacted*, That whenever it shall become necessary to have a highway upon the line between two towns, such highway shall be laid out by two or more of the commissioners of highways of each of the said towns, so that such line shall be the centre or middle thereof ; and it shall be the duty of the same commissioners, when they lay out such highway, to divide into two road districts, in such manner that the labor and expense of opening, working and keeping in repair, the road through each of the said districts, may be equal, as near as may be, and to allot one of the said districts to each of the said towns, which shall be considered as wholly belonging to the town to which it shall be so allotted for the purpose of opening and improving the said road, and for keeping it in repair ; and the commissioners shall cause the said highway, and the said partition and allotment thereof to be recorded in the office of the town clerk in each of the respective towns ; and all highways heretofore laid out upon the line between any two towns, shall be divided, allotted, recorded, and kept in repair in the manner above directed.

How kept in repair

Private roads how laid out, and damages assessed, &c
K and R v 1
594. sec 16
W v 3. 53

XX. *And be it further enacted*, That upon application to the commissioners of any town for a private road, the commissioners of the town in which such road is desired, shall cause the overseer of highways of the district, to summon twelve freeholders of the same town, to meet on a day certain, of which day notice shall be given by the overseer to the owner or occupant, and being so met they shall view the lands through which such road is applied for ; and if they shall certify under oath that such road is necessary, the commissioners shall lay out the same, and cause a record thereof to be made in the town clerk's office, and shall cause the damage to be assessed in like manner as if the same was a public highway, which shall be paid by the person or persons applying for such road ; and such road when so laid out, shall be for the use of such applicant or applicants, his or their heirs and assigns ; but not to be converted to any other use or purpose than that of a road : *Provided always*, That the occupant or owner of the land through which such road shall be laid out, shall not be prevented making use thereof as a road, if he shall signify his intention of

making use of the same, at the time when the jury or commissioners are to ascertain the damages sustained by laying out such road.

XXI. *And be it further enacted*, That it shall be lawful for the commissioners of highways of any of the towns in this state, and they are hereby directed to allow such persons as live on private roads, so much of their assessment on the highway as they may deem necessary to work such private road, or annex such private road to some of the highway districts.

Persons living on private roads allowed to work the same as their portion of road duty

XXII. *And be it further enacted*, That all public roads to be laid out by the commissioners of any town, shall not be less than four rods wide, and all private roads shall not be more than three rods wide.

Width of roads
K & R v l. 595
see 17

XXIII. *And be it further enacted*, That if any public highway, already laid out, or hereafter to be laid out, shall not be opened and worked within six years after the passing of this act, or from the time of its being so laid out, the same shall cease to be a public highway or road for any use, intent or purpose whatsoever.

Roads to cease if not worked in six years

XXIV. *And be it further enacted*, That all public highways heretofore laid out and allowed by any law of this state, and now in use within the counties subject to this act, and of which a record shall have been made in the office of the clerk of the county or town, shall be taken and deemed as public highways, and continue such, unless altered in conformity to the provisions contained in this act: *Provided always*, That where any roads have been used as public highways, for twenty years or more, next preceding the twenty-first day of March, one thousand seven hundred and ninety-seven, the same shall be taken and deemed as public highways, although no record thereof has been made, unless they shall be altered in manner aforesaid; and that it shall be the duty of the commissioners to order the overseers of highways to open all roads to the width of two rods at least, which they shall judge to have been used as public highways for twenty years preceding the said twenty first day of March, one thousand seven hundred and ninety-seven.

Former recorded highways confirmed

Proviso, where not recorded but used 20 years before a certain time
2 John. Rep. 537
7 John. Rep. 106

XXV. *And be it further enacted*, That if any person within any of the said towns shall hereafter obstruct any highway or road, or shall fill up or place any obstruction in any ditch constructed for draining the water from any road, such person so offending, shall forfeit for every such offence, the sum of five dollars, to be recovered with costs of suit, in the name of any person who shall make complaint thereof, before any justice of the peace of the county where the offence shall happen, upon the oath of one or more credible witness or witnesses, and levied by distress and sale of the goods and chattels of the offender, by warrant from the justice, to be directed to any constable of the town where such offender shall reside; and the said constable is hereby required to pay such penalty into the hands of the commissioners of highways for the town in which the offence was committed, to be by them applied in improving the public roads and bridges in said town.

Penalty for obstructing highways
K and R v l. 595. see 19
3 Caines's Rep. 259
1 John. Rep. 510
3 John. Rep. 438
9 John. Rep. 349, 365

How collected

XXVI. *And be it further enacted*, That in every case where a highway has been laid out, and the same hath been encroached

Penalty for not removing an encroachment

ments on
highwa s.
K. & R. v. 1.
596. sec. 20

Proviso.
Encroach-
ments, if dis-
puted, how
settled.
3 John. Rep.
321.
9 John. Rep.
389.

Further pro-
viso.

Penalty for
falling trees
into the high-
ways, and not
removing
them.
K and R v 1
696. sec. 21

Or on another's
land, in case
they fall into
the highway

Or into certain
creeks and
streams, [vide

upon by any present or former occupant, of the land through or by which such highway runs, the commissioners of the town shall, if in their opinion it be deemed necessary, order the fences to be removed, so that such highway may be of the breadth originally intended; and if such removal shall not be made in sixty days after such notice given, the occupant to whom the notice shall be given, shall forfeit and pay the sum of fifty cents for every day that such fences shall continue unremoved, after the expiration of the said sixty days aforesaid, to be recovered in like manner as penalties are directed to be recovered in the next preceding section of this act; *Provided nevertheless*, That in case of denial of such encroachment by any occupant, the commissioners shall apply to any justice of the peace of the county for a precept, directed to an overseer of highways of the same town, to summon twelve freeholders thereof, to meet on a certain day, of which day notice shall be given by the overseer to one of the commissioners and also to the occupant, on which day the jury so summoned, after being duly sworn, shall inquire whether any encroachment hath been made, and by whom, and if they find that such encroachment hath been made, they shall certify the same and by whom, and if made by the then occupant, or any former occupant, the then occupant shall remove his fences within sixty days thereafter, under the penalty aforesaid, and shall pay all the costs attendant on such inquiry, to be recovered by any one of the commissioners, before any justice of the peace of the county; but if they shall find that no encroachment hath been made, they shall so certify and ascertain the damages the then occupant hath sustained by such suit, which together with costs of suit shall be paid by the commissioner or commissioners out of any monies in his or their hands, appropriated to the making and repairing highways: *Provided*, That no person shall be obliged to remove any fence, except between the first day of April and the first day of November in any year.

XXVII. *And be it further enacted*, That if any tree or trees upon any enclosed land, which hereafter shall fall or be fallen by any person, his agent or servant into any highway, or into any river now used as an highway, and shall not be removed, but continue in such highway or river, for the space of two days after notice given thereof by any person, the person or persons occupying the farm or lot from which such tree or trees shall be fallen, shall forfeit the sum of fifty cents for every tree which shall be so fallen, or suffered to remain in such highway or river, until the third day, and a like sum for every day thereafter, until the same shall be removed, to be recovered and applied in the same manner as penalties for obstructing roads are directed to be recovered and applied: and in case any person shall cut down any tree or trees on land not occupied by him, so that they fall into any highway or river as aforesaid, unless by the order and consent of the occupant, the person so offending shall forfeit to such occupant the sum of one dollar for every tree so fallen, and the like sum for every day the same shall remain therein, to be recovered as aforesaid with costs: *And further*, That if any person shall cut, or cause to be cut down, any tree, so that the same

shall fall into the Schohariekill or Catskill, West Canada Creek, the act "de-
or Black Creek, in the town of Watervliet, in the county of Al-
bany, or Wood Creek in the county of Oneida, and shall not re-
move the same out of such kill or creek, within twenty-fourths in this vo-
thereafter, he shall forfeit and pay for every tree so cut down and lue, where
left remaining, five dollars; the one half for the use of any per- this part of
son who will sue for the same, and the other half to be paid to the subject is
the commissioners of highways of the town wherein the offence more fully
shall be committed, to be applied to the repairs of the highways disposed of.]
of such town, and to be recovered before any justice of the peace,
with costs of suit.

XXVIII. *And be it further enacted,* That all trees standing or Trees on the
lying on any land over which any public highways shall be laid road to belong
out, shall be for the proper use of the owner or occupant of such to the owner
land, except such of them as may be requisite to make or repair of the soil
the highways or bridges on the same land. K. & R. v. 1.
597, sec. 22

XXIX. *And be it further enacted,* That it shall and may be Trees allow-
lawful for every person owning lands adjoining public highways, ed to be plant-
which shall not be less than three rods wide, to plant trees on ed along cer-
the side or sides of such highways contiguous to his said land; tain roads.
which trees shall be set in regular rows, at a distance of at least
six feet from each other, and if any person or persons whatsoever
shall cut down, injure, or destroy trees so planted and set out as
aforesaid, or that have been heretofore so planted, set out or
standing as aforesaid, he or they shall be liable to an action of Penalty for
trespass, at the suit of the party owning the land contiguous to destroying
such trees, any law, usage, or custom to the contrary notwith- them, etc.

XXX. *And be it further enacted,* That no swinging or other Swinging
gates, shall be allowed on any public highway laid out by virtue gates over
of this act, or which has heretofore been laid out, other than such highways pro-
public highways as run through lands liable to be overflowed by hibited, except
the waters of the adjacent rivers or streams, in such manner as to in certain
remove the fences thereon, and that all such gates shall be erect- cases.
ed and kept in good repair by the overseers of the highway of the K. & R. v. 1.
town, at the proper costs and charges of the occupant of the land 597, sec. 23
for whose benefit the same shall be erected; and if more than one
gate shall be erected, and the intermediate land between the gates
at the extremities of such lands, shall be in the occupation of more
than one person benefitted by such gates, the whole charge of
erecting and keeping the same in repair, shall be borne by all the Expense of
occupants benefitted thereby, in proportion to the extent of such gates
land each occupies adjoining the highway between the gates at how detrayed.
the extremity aforesaid; and in case of the neglect or refusal of
any occupant to pay his proportion, the same shall be levied with
costs of suit, in like manner as fines are by this act directed to be
levied, for refusing or neglecting to work on the highways, of all
which gates an account shall be filed by the commissioners in the
town clerk's office, and if any person shall open any such gate, Penalty for
and shall not immediately after having passed the same, close it, neglect.
or shall wilfully and unnecessarily ride over any of the grounds
adjoining such road, on which such gates shall be permitted, to
the damage of the occupant or occupants thereof, each offender Penalty for
leaving gates
open.

shall forfeit for every such offence, the sum of one dollar, to be recovered by any one of the commissioners of the same town, in the manner prescribed by this act for recovering fines for neglect or refusal to work on the highways: *Provided*, That such penalty shall not be deemed a satisfaction for such damage, but the occupant or occupants of such grounds shall be entitled to an action for the recovery of damages, the payment of such penalty notwithstanding: *And provided further*, That swinging or other gates allowed by law, prior to the twenty-first day of March, one thousand seven hundred and ninety-seven, on public highways or private roads in the county of Westchester, are hereby permitted, at the discretion of the commissioners of highways of the town in which the same are, the said gates being kept in good repair by the owner or owners thereof.

Proviso.

Further proviso.

Commissioners to account annually to the supervisor, etc.
R&R. v. 1.
598. § 24

XXXI. *And be it further enacted*, That the commissioners of highways in each of their respective towns, shall render to the supervisor, town clerk and justices of the peace, or a majority of them, at their annual meeting for auditing the accounts of the overseers of the poor of their respective towns, an account of the labor assessed and performed, and of the sums by them received for fines and commutation, and all other monies received under this act, and the improvements which have been made on the roads and bridges in their respective towns during the year immediately preceding such report, together with an account of the state of such roads and bridges, with a statement of the improvements necessary to be made thereon, and an estimate of the probable expense of making such improvements, beyond what the labor to be assessed in that year will accomplish; and said supervisor, town clerk and justices, at their meeting as aforesaid, shall examine said account, and make out a certificate containing the substance thereof, and deliver the same certificate to the town clerk of such town, to be by him kept on file for the inspection of any of the inhabitants of said town: *And further*, That the said commissioners shall, under their hands, deliver to the supervisor of such town a like statement of the improvements necessary to be made on the roads and bridges aforesaid, together with the probable expense thereof as aforesaid, which supervisor shall lay the same before the board of supervisors at their next meeting: And the said board of supervisors are hereby required to cause the same to be assessed, levied and collected, in such town, in the same manner as the other contingent charges are by law directed to be levied and collected; which sums, when so collected, shall be paid over without delay, by the collector or collectors of such towns, out of the first monies coming into his or their hands, except the monies raised in such town for the support of the poor thereof, to the town clerk of such town, and shall by him be paid to the overseers of highways of such town, or to one or more of them, on the order of said commissioners: *Provided*, That the monies to be raised as aforesaid in any such town, shall not exceed in any one year the sum of two hundred and fifty dollars.

To lay before the board of supervisors a statement of the improvements etc.

How levied, etc.

Proviso.

Mile boards or stones to be erected.

XXXII. *And be it further enacted*, That it shall be the duty of the commissioners of highways in the several towns of this

state, to cause mile-boards or stones to be erected, where not already erected, on the post-roads, and such other public county roads in their respective towns, as they may think proper, at the distance of one mile from each other, with such fair and legible inscriptions or directions as they may think proper; and if any person shall destroy, remove, injure or deface such mile-boards or stones, they shall be liable to pay ten dollars for each mile-board or stone so destroyed, removed, injured or defaced, to be recovered with costs of suit, before any justice of the peace of the county where the offence shall be committed, which penalties so levied and collected, shall be paid to the commissioners, or any one of them, in the town where such offence shall be committed, and it shall be the duty of the said commissioners, forthwith to repair the mile-boards or stones so injured or removed, out of the monies arising from such penalties; and moreover such person or persons so offending, shall be deemed guilty of a misdemeanor, and punishable, on indictment and conviction, by fine or imprisonment, in the discretion of any court having cognizance thereof: *Provided*, Such fine shall not in any case exceed fifty dollars, nor shall the term of imprisonment, in any such case, exceed three months.

R&R. v 1. 599
§ 25

Penalty for
injuring them
etc.

Proviso.

XXXIII. *And be it further enacted*, That whenever it shall appear to the board of supervisors of any of the counties subject to this act, that any one of the towns in such county would be unreasonably burthened by erecting or repairing any necessary bridge or bridges in such town, the board of supervisors in such county shall be, and they are hereby authorised and required, to cause such sum of money to be raised as will be sufficient to defray the expenses of erecting or repairing such bridge or bridges, or such part thereof as they may deem proper, which sum of money shall be levied, collected and paid, at the same time and in like manner as the contingent charges of such county are levied, collected and paid, which said money shall be paid over unto the commissioners of the town in which the same is to be expended, on the order of the supervisor thereof: *Provided nevertheless*, That the supervisors shall not cause to be levied and raised on any county, any sum exceeding one thousand dollars, in any one year: *And provided further*, That in case the commissioners of highways of any such town shall be dissatisfied with the determination of the said supervisors, touching an allowance for any such bridges, such determination shall, on the application of the commissioners, be revised by the court of common pleas for the same county, whose order in the premises shall be observed by every such board of supervisors.

Bridges how
to be erected
and repaired.
K. & R. v 1,
599. § 25

Proviso. as to
the amount of
monies to be
raised for the
purpose.

XXXIV. *And be it further enacted*, That the commissioners of each of the towns within this state, shall cause guide-posts, with proper descriptions and devices, to be erected at the intersection of all the post-roads of this state, and such by-roads as they may deem necessary, leading to or from any town, village or landing; and it shall be the duty of the overseers of the highways in the several towns, to maintain and keep in repair such guide-posts as may be erected by order of the commissioners, within the limits of the districts for which they are elected or ap-

Guide-posts to
be also erect-
ed.
K&R. v 1, 600
§ 28.

Penalty for
defacing them
etc.

erected respectively ; and the money to defray the expense of erecting and keeping in repair such guide-posts, shall be levied, collected and paid, in each town, in the same manner as money is raised for the support of the poor thereof; and every person who shall injure or deface any such description, or destroy any of the said guide-posts, shall for every such offence forfeit the sum of ten dollars, to be recovered by any one of the commissioners or overseers of highways of the town, before any justice of the peace of the county, in the same manner as penalties for obstructing roads are directed to be recovered, part of which to be appropriated by the person recovering the same, in replacing such posts, or repairing such injury, and the remainder to be paid in the same manner as penalties for obstructing roads are directed to be paid : and the person or persons so offending, shall be liable to the same punishment as is directed in and by the thirty-second section of this act.

Compensation
to commissioners
K&R. v 1600
sec. 27

XXXV. *And be it further enacted*, That each of the commissioners shall be allowed the sum of one dollar per day for every day they shall be employed in executing the duties enjoined on them by this act, and their accounts shall be audited and paid as other town-officers are paid.

Appeal given
from decision
of the commis-
sioners
K&R. v 1 589
sec. 2
W. v 5 67
Sess. 3^d c. 50
sec. 4
2 Caines' Rep
179
3 John Rep 84

XXXVI. *And be it further enacted*, That whenever any person or persons shall conceive himself or themselves agrieved by the determination of the commissioners of highways, either in laying out, altering or discontinuing, or in refusing to lay out, alter or discontinue any road, it shall be lawful for such person or persons, within forty days thereafter, to appeal to any three of the judges of the court of common pleas for the county in which such road is situated, whose duty it shall be to convene as soon as may be convenient and decide such appeal, and their decision, or that of any two of them, shall be conclusive in the premises, for which services every such judge shall be entitled to receive two dollars for every day employed therein, to be paid by such party appealing, where the determination of the commissioners shall be affirmed; but where such determination shall be reversed, the same shall be collected and paid as part of the contingent charges of the county.

Road fixed on
such appeal
not to be al-
tered unless
by the same
judges, etc
W. v 5 387 § 2

XXXVII. *And be it further enacted*, That no road, which has been fixed by the decision of the judges on an appeal to them from the decision of the commissioners, shall be taken up or altered, but by the order of the same judges if they continue in commission, or such of them as do continue in commission joined with such other judge or judges as will make three, and that it shall be in the power of any person who desires to have such road discontinued or altered, with the approbation of the commissioners of highways of the town where such road lies, to call upon the said judges to view the same, and decide upon his or her petition, he or she paying the judges the same allowance to which they are entitled on appeals from commissioners.

Owner may
elect the mode
of assessing
his damages,
etc.
W. v 5 387 § 3

XXXVIII. *And be it further enacted*, That whenever any road or highway shall be laid out by the commissioners of highways through enclosed or improved lands, and the person or persons through whose improved or enclosed lands the same has

been so laid out, shall have appealed from the decision of the commissioners, and whose doing shall have been confirmed, or in case no appeal shall have been made within the time limited by law, such owner or occupant shall, within thirty days thereafter, make his election as to the mode or manner in which he, she or they will elect, to have their damages assessed; and if such owner or occupant shall elect to have his damages assessed by the commissioners to be appointed by a judge of the court of common pleas, agreeable to the provisions of this act, it shall be his duty to give notice of the time of meeting of such commissioners to make such assessment to the supervisor of the town in which such assessment is to be made, whose duty it shall be to attend, and any assessment made by such commissioners, without such notice, shall be absolutely void.

XXXIX. *And be it further enacted*, That it shall and may be lawful for the commissioners of highways, or a majority of them, in all cases where they or a majority of them shall have laid out any public highway through any enclosed lands, in conformity to the provisions of this act, after giving the owner or occupant sixty days notice to remove his fences, to direct the said road to be opened and worked, and no action of trespass shall lie or be maintained against any person or persons acting in pursuance of such directions: *Provided*, That the determination of the said commissioners in the premises shall not have been appealed from, and if it has, then the sixty days notice shall be given after the decision of such appeal: *And provided also*, That the foregoing provision shall not extend to any roads laid out in any of the towns in the counties of Suffolk, Queens, Kings or Richmond.

Owner to remove his fences after road is laid out.
K&R. v 1 596
§ 20

Provide

Further proviso

XL. *And be it further enacted*, That it shall be the duty of the town clerk, whenever the order of the commissioners of highways for laying out, altering or discontinuing a road shall be recorded by him, to set up a copy of such order on the door of the house where the town-meeting is usually held, and that the time limited for appealing from the commissioners of highways to the judges shall be computed from the time of recording and setting up such order.

Notice to be put up of a road being altered or discontinued, and how and where

XLI. *And be it further enacted*, That in all cases of persons meeting each other on any turnpike road, or public highway in this state, travelling with carriages, sleighs, waggons or carts, the persons so meeting shall seasonably turn, drive and convey their carriages, sleighs, waggons or carts to the right of the centre of the road, so as to enable each other's carriages, sleighs, waggons or carts to pass each other without interference or interruption, under the penalty of five dollars for every neglect or offence, to be recovered by the party aggrieved in an action of debt, in any court having cognizance thereof, with costs of suit.

Carriages, etc., meeting each other to pass to the right [A similar provision in the act relative to turnpikes, etc.]

XII. *And be it further enacted*, That where any money may have been paid into the hands of any collector, or other officer of any of the towns of this state, for the purposes of erecting or repairing bridges and improving highways by virtue of any former law, the same shall be paid into the hands of the commissioners of highways for the respective towns where any such

Certain moneys to be paid over to the commissioners.
K&R. v 1 601
sec. 11

sums may have been collected, to be applied to the several objects for which the said sums of money were raised and collected.

Superintendents of highways under former acts how to account
W. v. 3. 325

XLIII. *And be it further enacted*, That the superintendents of highways, heretofore appointed by virtue of the act, entitled "an act to regulate highways," passed the twenty-first day of March, one thousand seven hundred and ninety-seven, shall be and they are hereby directed and required to account with the supervisors of the respective counties in which they were appointed superintendents, in the same manner as if this act had not been passed.

Hudson a town under this act
K & R. v. 1
691. § 32

XLIV. *And be it further enacted*, That the city of Hudson shall be considered as a town for all purposes intended by this act, except that the mayor, recorder, aldermen and commonalty of the said city shall be commissioners of highways in and for the said city of Hudson.

When a jury may be summoned by a constable of another town.

XLV. *And be it further enacted*, That in all cases, where either a public or private road or roads is about to be laid out under this act, and it shall appear to the justices of the peace by whose warrant the jury for determining and assessing the damages sustained by the owner or owners of the land through which the said road is about to be laid out shall be summoned, that all the constables of the town in which such road is about to be laid out, are interested in the land through which the said road is so to be laid out, or in any wise akin to the owners thereof, the said justices may issue their warrant, directed to a constable of any other town in the same county, not interested in the said lands or akin to the owner or owners thereof, commanding him to summon twelve reputable freeholders not having an interest in the said land, by whose oaths the damages sustained by the owner or owners of the said lands shall be determined and assessed according to the provisions of this act.

Provision as to width of roads in certain counties.

XLVI. *And be it further enacted*, That it shall and may be lawful for the commissioners of the different towns within the counties of Westchester, Rockland, Dutchess, Orange, Ulster and Sullivan, to lay out any roads not more than four, nor less than two rods wide.

Former acts repealed, except as to certain counties.

XLVII. *And be it further enacted*, That all public acts relative to the highways in this state, except such acts as relate to the city and county of New-York, the city of Albany, and the counties of Suffolk, Queens, Kings and Richmond, shall be and hereby are repealed.

Note.—In 1691, the colonial General Assembly directed "Surveyors of highways" to be appointed.—Br. ed. 6.—This is the earliest notice taken of highways in any edition of the laws of the Colony, though it is highly probable that even anterior to this period, legislative provision had been made on the subject.—Before the year 1683, it seems that highways were occasionally the subject of discussion and arrangement before the Governor and Council, and the system of laws called "*The Duke's Laws*," has also reference to highways, &c.—Perhaps no subject in our statute book has claimed a greater portion of legislative attention than the manner of making and improving roads.—Since the year 1799, *Turnpike Roads* have participated in these beneficial effects, and have received the fostering care of our legislatures.

CHAP. XLVII.—(R.L.)

An ACT declaring certain Waters to be public Highways ; allowing certain Dams to be built and made, and for preventing obstructions in the Hudson River, and certain other Waters.

Passed April 2, 1813.

[K.&R. v. 1. 601—Ibid. v. 2. 302—W. v. 3. 145, 199, 310, 360, 363, 491, 503, 508—Ibid. v. 4. 127, 270, 389, 541—Ibid. v. 5. 64, 67, 93, 142, 388, 405, 446, 447, 449, 450, 453, 457, 468, 488, 511, 562—Sess. 31. ch. 27, 107, 183—Sess. 33. ch. 32, 180, 190, 193—Sess. 34. ch. 11, 98, 106, 131, 136, 149—Sess. 35. ch. 25, 152, 170.]

1. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the rivers formed by the outlets of Canadarqua, Seneca, Otsego and Cayuga lakes, and such part of the outlet of the Crooked lake as is contained between the Seneca lake and the lowest mill seat on the said outlet, and the rivers formed by the outlets of the Owasco and Skaneateles lakes, at their respective junctions with the Seneca river to the first falls in each of the said rivers ; and the Nine Mile creek, so called, from its entrance into the Salt lake, to the foot of the lower falls thereof, (above the foot of the lower falls thereof, being hereby excepted ;) and the outlet of the said Salt lake and the inlet thereof, from the head of the said lake unto the south line of the Onondaga reservation ; and the Caneseraga and Chitteningo creeks, (excepting such parts thereof as lie south of the Seneca turnpike road ;) the two branches of the said Chitteningo creeks, known by the names of Limestone and Butternut creeks, until the first falls on each of the same creeks ; the Genesee river from the great falls therein until its junction with the Caneseraga creek, and the said creek from its said junction to the southern boundary of township number seven, in the seventh range of the county of Ontario ; and Mud creek from the center line of township number twelve in the first range, to its junction with the outlet of the Canandarqua lake, (excepting however, the said outlet from the said lake to its junction with the waters of said Mud creek :) the rivers Conhocton and Canisteo, the former from the mills built thereon, adjoining the town of Bath, and the latter from a place known by the name of Big marsh, to their respective junctions with the river Tioga ; and all that portion of the said river Tioga as lies within this state ; the west branch of the Chenango river, from the north bounds of the town of Virgil,* as originally surveyed, to its junction with the east branch thereof, and thence down the same to its junction with the Susquehannah river, and all such parts of the said Susquehannah, as are contained within this state ; that part of the creek commonly called Wood creek, in the county of Washington, from Fort-Ann to the falls in the township of Whitehall ; all that part of Oneida creek, from the bridge over it near Oneida

Certain waters declared highways
K&R. v 1
601. § 34
Rivers formed by the outlets of Canadarqua Seneca and Cayuga lakes, and part of the outlet of crooked lake
[As to certain waters, etc. in England
9 H. 6. c 5
19 H. 7. c 18
23. H. 3. c 12
26 H. 8. c 5
27 H. 8. c 18
6 & 7. W. 3. c 6, etc. etc.]
And those formed by the outlets of Owasco and Skaneateles lakes

Mud creek
Sess 35. c 25

Conhocton and Canisteo rivers
[Hudson river a public highway *ut semble*
3 Caines's Rep 307]
9 John. Rep 507
Tioga river
Chenango river
Susquehannah river

Wood creek
Oneida creek

[* As to waters, &c.—Hargr. tr. 5, 8, 9 85—Davies' Rep. 152—4 Burr. Rep. 2162—12 Mod. 510—Bull. N. P. 75—3 B.&L. 263—1 Wils. 174—Skin. J. 55—9 John. Rep. 507.]

East or main
branch Che-
nango river
W. v 3 310

West branch
of Chenango
river

Otselic
branch

Allegany
river
W. v 5. 93
Oswago or
Osway creek
Outlet of
Chataughqua
lake
Ishue or
Olean creek
W. v 5. 388

Tonnawanta
creek
W. v 5. 450

Ellicott's
creek

Slote creek
W. v 4. 541
Salmon river

Schroon river.

Black creek.
Sess. 34, ch. 98.

Outlet of
Crooked lake.
W. v. 5 67.

Outlet of Cas-
dauga lake.

Sess. 33, c. 32.

Racket river.

Sess. 33, c. 180

St. Regis river
R. & R. v. 1. 602

Wallkill.
W. v. 3. 563

Exceptions.

W. v. 5 388, 450

Lib. v. 4. 541

Sess. 33, c. 32

castle, to the Oneida lake; all that part of the east or main branch of Chenango river, from the mills of Daniel and Elisha Wheeler, in the town of Hamilton, to its junction with the Tioughnioga river, and also from the south line of Thomas Hart's land to the forks of the said river, in the town of Sherburne; and also that part of the west branch of the Chenango river, from the forks near the north line of lot number forty-seven, in the town of Fabius, to the north bounds of the township of Virgil; and also that part of the Otselic or middle branch of the Chenango river, from the bridge on lot number nineteen, in the township of Cincinnatus, to its junction with the west branch thereof; and also all that part of the Allegany river, and all that part of the Oswago or Osway creek; and all that part of the outlet of the Chataughqua lake, that are within the counties of Genesee and Allegany; and the waters of Ishue or Olean creek, beginning where the said creek crosses the north line of township number four of the fourth range of townships of the Holland company's land to the county of Niagara, thence down the said creek to the confluence of the said creek with the Allegany river; the waters of Tonnawanta creek, so called, from its entrance into the Niagara river to its confluence with the western branch of the said Tonnawanta creek, known by the name of Ellicott's creek, thence up said Ellicott's creek to Mathey's mill; the waters of said Ellicott's creek from William's mills up said creek to Phellemore's mill; the creek called the Slote creek, in the town of Orange, in the county of Rockland; all that part of Salmon river, in the town of Harrison, in the county of Clinton, beginning at the bridge over the same, near the center of the township of Malone, thence down the said river to the north line of this state; all that part of the Schroon river as lies within the counties of Washington and Essex; all that part of Black Creek in the town of Riga, in the county of Genesee, from the mill of Samuel Baldwin on the said creek, to the Genesee river; all that part of the outlet of Crooked Lake down to Waggoner's mills, in the town of Benton, in the county of Ontario; the waters of the outlet of Casdauga Lake, in the county of Chataugue; Racket river, in the county of St. Lawrence, from its mouth to the bottom of the falls on said river, near the south line of lot number sixty-seven, in the township of Louisville; St. Regis river, from the north line of this state to the east line of the town of Stockholm; and so much of the stream of water in the county of Orange, called the Wallkill, as lies between the line of the state of New-Jersey, and a line to be run directly across the said stream, one rod above the first eel wier, below the outlet bridge, be and they are hereby declared to be public highways, except so much of the said waters as may be necessary for the owners of the adjoining land to build store-houses and docks, for the accommodation of boats: *Provided*, The same shall not obstruct the navigation of the said waters: *And further*, The said owners may erect mills or other works on the waters of Slote creek, of the outlet of Casdauga lake, Tonnawanta creek, Ellicott's creek, Ishue or Olean creek, St. Regis river, Racket river, so as not to obstruct the navigation thereof.

II. *And be it further enacted*, That if any person shall dam up or obstruct the navigation of any of the waters in the preceding section described, by erecting or building any mill or wier, or by the building or erecting thereon any other works, or by cutting or falling wood or timber in the same, such person so offending shall forfeit for each offence the sum of twenty-five dollars, recoverable with costs of suit, by and for the use of any person who will sue for the same, before any justice of the peace; and the offender, moreover, shall be deemed guilty of a misdemeanor, and be prosecuted accordingly, by indictment or otherwise: *Provided nevertheless*, That if any person erecting any mill or other works, on either of the above described streams, (Slote creek, Tonnewanta creek, Ellicott's creek, Ishue or Olean creek, Salmon river and Schroon river excepted, which are herein otherwise provided for) shall cut or dig a sufficient canal or canals, so that the navigation of the same be not injured by means of such works, such person shall not be liable to any of the penalties of this act: *And provided also*, That nothing in this act contained shall be construed to extend to, or affect any mill or dam for the use thereof, that may have been erected, or the building thereof commenced on any of the said streams before the tenth day of August, one thousand seven hundred and ninety-eight; but nothing in this last proviso contained shall extend to Slote creek, Tonnewanta creek, Ellicott's creek, Ishue or Olean creek, Salmon river and Schroon river, or either of them.

III. *And be it further enacted*, That all persons owning mills or mill privileges on Salmon river aforesaid, shall have the right to build as many dams across the same as they or either of them may think proper, and enjoy and improve the same, under the following regulations and restrictions, to wit: That the owner or owners of any mill, or other dam or dams, across said river, made or erected before the passing of this act, shall respectively, on or before the first day of October next, alter such dam or dams by making a slope or apron thereto, not exceeding forty-five degrees, and planked in such smooth manner that salmon may easily pass over into the waters above the dam; and that such slope or apron shall be of sufficient width for rafts and boats to pass freely thereon, under the penalty of two hundred dollars.

IV. *And be it further enacted*, That no owner or owners of any mill or other dam as aforesaid, shall at any time open any sluice-ways, or water-gates, to draw off the water from the said Salmon river, so as to prevent rafts or boats freely passing at all seasons of the year, unless some necessary repair of such mill or dam, shall require the same, under a penalty of ten dollars for every twenty hours the water shall be drawn off as aforesaid: *And further*, If any person or persons shall hereafter cut or fell any tree or trees into the said river, within the limits of the said river, hereby declared to be a public highway, such person or persons shall forfeit and pay one dollar for each and every tree so felled, or suffered to remain in the said river twenty-four hours.

V. *And be it further enacted*, That every penalty and forfeiture imposed by this act, may be recovered with costs of suit, in any court having cognizance thereof, by any person who will

Certain obstructions, etc. in the above waters declared punishable by a penalty, and also as a misdemeanor K & R. v. 1. 602 603.

W. v. 4. 541

Misdemeanor Proviso, as to canals, etc. in certain of the waters.

Further proviso, as to certain mills and dams erected before a certain period.

Owners of mills, etc. on Salmon river, W. v. 4. 541 entitled to certain privileges as to making dams, etc. Restrictions, as to the manner of forming the dams, etc.

For preserving the fishery, and for boats, etc. to pass.

No water to be drawn from Salmon river by sluices, etc. so as to prevent rafts or boats from passing. W. v. 4. 541, 542

Trees not to be felled into that river. W. v. 4. 541, 543.

Penalty.

Penalties under this act how recovered and applied.

prosecute for the same to effect, the one moiety thereof to be paid to the commissioners of highways of the town in which such offence shall happen, to be by them laid out and expended in improving the roads, and erecting or improving bridges in the said town, and the other moiety to be to the use of the person who shall sue for the same.

Trees, etc not to be felled into Schroom river. W. v. 4. 541. § 4.
Penalty. VI. *And be it further enacted,* That if any person or persons shall hereafter cut or fell any tree or trees, roll any log or logs into the river Schroom, in the county of Washington or Essex, or do any thing to obstruct said river, every such person or persons shall forfeit and pay the sum of five dollars for every such offence, to be sued for and recovered agreeable to the preceding section, unless the said obstruction shall be removed within twenty-four hours : *Provided always,* That nothing in this act shall go to prevent any person or persons from rafting any lumber down said river they may think proper.

No nets, etc. to be used in any creek emptying into certain parts of Lake Ontario. W. v. 5. 488 § 1.
Penalty for violating the preceding section. W. v. 5. 488 § 2.
 VII. *And be it further enacted,* That it shall not be lawful for any person or persons to draw a seine or use a net within any of the said creeks emptying into Lake Ontario, within the counties of Niagara and Genesee, or in Lake Ontario within ten chains of the mouths of any of said creeks, within the counties aforesaid.

How recovered and applied. VIII. *And be it further enacted,* That if any person or persons shall draw a seine or seines, or use a net, or nets within any of the creeks emptying into Lake Ontario, within the counties of Niagara and Genesee, or shall use a seine or net in Lake Ontario, within ten chains of the mouth of any of said creeks, within the counties aforesaid, such person or persons shall forfeit and pay the sum of twenty-five dollars for every such offence, to be recovered with costs of suit, before any justice of the peace in the counties of Niagara or Genesee, the one half to be paid to the person who shall prosecute for the same, and the other to be paid to the overseers of the poor of the town where such prosecution shall be had, for the use of the poor of said town.

No trees, etc. to be felled into Tuckeyhaunock creek. W. v. 5. 446.
Penalty. IX. *And be it further enacted,* That if any person shall cut down, or cause to be cut down, any tree or trees, or shall discharge any logs, branches or trees, or other timber, in Tuckeyhaunock creek, and shall not remove the same within two days out of said creek, such person or persons shall, for each and every such offence, forfeit the sum of five dollars, to be recovered with costs, in any court having cognizance thereof, for the benefit of the poor of the town in which such offence shall be committed : *Provided always,* That this act, nor any thing therein contained, shall prevent any person from erecting any permanent improvements on or across said creek.

No seines to be used in Chatauque lake or its waters. W. v. 5. 447.
 X. *And be it further enacted,* That it shall not be lawful for any person or persons to draw a seine in the Chatauque lake or its waters, at any time ; and that if any person or persons shall draw a seine in the said Chatauque lake, or its waters, such person or persons shall forfeit and pay for every such offence, the sum of twenty-five dollars, to be recovered with costs of suit, before any justice of the peace in said county of Chatauque, the one half to be paid to the person who shall prosecute for the same,

and the other half to the overseers of the poor of the town where such prosecution is had.

XI. *And be it further enacted*, That no person shall throw from the saw-mill erected on the falls over which Wood-creek empties itself into Lake Champlain, at Whitehall landing, or from any part of the said landing into the water, except for the purpose of rafting the same, any slabs or other lumber, under the penalty of two dollars for each and every such offence, to be recovered with costs of suit, by the overseers of the poor of the town of Whitehall, in any court having cognizance of the same, to be applied towards the support of the poor of the said town.

No slabs, etc.
to be thrown
into Wood
creek.
W. v. 5, 113

Penalty.

How recover-
ed.

XII. *And be it further enacted*, That the waters of Fall-creek, in the towns of Dryden and Ulysses, the waters of the Cascadilla-creek, in the said town of Ulysses, the waters of the Six-mile creek, from Cantine's mills, to its junction with the stream called the Cayuga inlet, and the waters of the said Cayuga inlet, from its first forks in the county of Tioga, to the Cayuga lake, shall be subject to the provision of this section; that is to say, if any person shall cut down, or cause to be cut down, any tree or trees into any of the said waters, or shall discharge into the same any logs, branches of trees, slabs or other timber which may obstruct the free and natural passage of the said waters, in any part of their extent in this section described, such person shall, for each and every such offence, forfeit the sum of five dollars, to be recovered by any person, with costs, in any court having cognizance thereof, for the benefit of the poor of the town in which such offence shall be committed.

No trees etc.
to be thrown
into Fall-
creek, Casca-
dilla-creek,
Six-mile creek
and the Cayu-
ga inlet.
W. v. 5, 405

Penalty how
recovered and
applied.

XIII. *And be it further enacted*, That it shall not be lawful for any person or persons to erect any bridge across the Kinderhook creek, within sixty rods of the bridge built across said creek by the president, directors and company, agreeable to the act to incorporate the Rensselaer bridge company, and for other purposes, passed the eleventh day of March, one thousand eight hundred and eight.

No bridge al-
lowed over
Kinderhook-
creek within
certain limits.
Sess. 33, c. 32
§ 3

XIV. *And be it further enacted*, That nothing in the first section contained, relative to the waters of the outlet of Casdauga lake, shall abridge any private rights existing on the ninth day of March, one thousand eight hundred and ten.

This act not to
affect private
rights on the
outlet of the
Casdauga lake
March 9 1810
Sess. 33, c. 32
Proviso to § 1.

XV. *And be it further enacted*, That if any person or persons shall throw, cut or fell, any wood or timber into the outlet of the Honeoye lake, without removing the same within twenty-four hours after having so thrown, cut or felled the same, every person so offending shall forfeit, for each offence, the sum of five dollars, to be recovered, with costs of suit, by and for the use of any person or persons who shall sue for the same, in any court having cognizance thereof: *Provided nevertheless*, That nothing in this section contained shall be construed to extend to, or affect the right of, any proprietor or proprietors of any mill or dam erected, or hereafter to be erected, from cutting timber and building or repairing such mill or dam in the said outlet: *And provided also*, That nothing in this section contained shall be construed to extend to, or affect the right of, any owner or occu-

No wood or
timber to be
tossed into the
outlet of the
Honeoye lake.
Sess. 33, c. 190
§ 1
Penalty how
recovered and
applied.
Proviso, as to
the proprietors
of dams,
etc.

Further pro-
viso, as to the
owners, etc.
of land.

part of lands on both shores of the said outlet, from fencing across the same, so as not to obstruct the waters thereof.

Owners, etc.
of land on the
St. Regis river
may erect
dams in a cer-
tain manner.
Sess. 36, c 180
§ 2.

XVI. *And be it further enacted,* That any person owning or occupying lands on the banks of the river St. Regis, within the distance in which the same is declared a public highway, may erect a dam or dams across the said river, provided they shall so construct such dam or dams, that a place not less than fifty feet, nor more than sixty feet, shall be left one foot or more lower in the said dam, in the main channel of the river, than the other parts of said dam, and making a sufficient apron from the top of such dam, at such place, on a descent of not more than twenty degrees, to the bottom of the river below the dam, so that timber, masts and spars, can be carried over such dam in high water.

Penalty for
not removing
wood, etc. out
of Black creek
in Guilder-
land, by a cer-
tain period.
Sess. 31, c 107
§ 1, 2.

Penalty to the
party agrieved

XVII. *And be it further enacted,* That every person owning land adjoining Black creek, in the town of Guiderland, in the county of Albany, who shall not have removed, or caused to be removed, out of the said creek, by the first day of April, one thousand eight hundred and ten, all wood, timber, brush or rubbish, which shall or may obstruct the free passage of the water opposite his land, shall forfeit five dollars to the party agrieved by such neglect or refusal, for every month in which such party shall refuse or neglect to remove, or cause to be removed, the wood, timber, brush or rubbish aforesaid, to be recovered with costs in any court having cognizance thereof.

No carcass,
etc. hereafter
to be thrown
into said
Black creek.
Sess. 31, c 107
§ 3.

Penalty and
how recovered
and applied.

Duty of own-
ers of land on
said Black
creek in re-
moving ob-
structions etc.
Sess. 31, c 107
§ 4

XVIII. *And be it further enacted,* That every person who shall throw any carcass, or any thing which may be injurious to the health of the inhabitants living adjoining to said creek, or shall throw any trees, wood or rubbish, into the same, shall be liable to a penalty of five dollars for every offence, to be applied and recovered as aforesaid.

Trees having
fallen into
said Black
creek to be
removed by
the owners of
land from
which they
shall have fal-
len.

Sess. 31, c 107
§ 5.
Proprietors of
Gray Court
meadows may
use the waters
thereof on
certain condi-
tions.
Sess. 34, c 11

Certain in-
spectors may
give permis-
sion to erect
dams and vats
for rotting
hemp.

XIX. *And be it further enacted,* That where the lands adjoining each side of the said creek shall be owned or occupied by different persons, it shall be the duty of such owners or occupants to remove all obstructions in the same creek, from the margin thereof adjoining their lands, to the middle of the same creek.

XX. *And be it further enacted,* That all trees having fallen, or to fall, into the said creek, since the first day of April, one thousand eight hundred and eight, shall be removed by the person out of whose land the same shall have fallen, within one month after notice given of the same, under the penalty of five dollars, to be recovered as aforesaid.

XXI. *And be it further enacted,* That if any of the proprietors of the Gray Court meadows shall be desirous of making use of the waters running through the same, for the purpose of water-rotting hemp, they may apply to the inspectors chosen by virtue of the act, entitled "an act for raising two hundred pounds by assessment on Gray Court meadows, in Orange county, for more effectually draining said meadows," passed the thirty-first day of March, one thousand seven hundred and ninety, who shall attend, at some time to be agreed upon, and view the ground and water where such water-rotting is desired to be performed; and if the said inspectors, or any two of them, shall be of opinion that

The ground and water may with propriety be occupied for that purpose, the said inspectors, or any two of them, shall, in writing under their hands, direct the height of the dam, and size of the vat, to be made and used for the purpose aforesaid; and the person owning or occupying the land where such dam or vat may be so allowed to be made, may proceed to erect such dam, and make use of the water for the purpose above mentioned, any law to the contrary in any wise notwithstanding: But it shall not be lawful for any proprietor or occupant of said meadows to stop the said water longer than shall be necessary to fill or replenish said vat, or to obstruct, impede or turn the course of said water for other agricultural purposes, to the injury of any mill on said waters.

Restrictions as to stopping the waters.

XXII. *And be it further enacted*, That if any person shall hereafter deposit any boards, timber or any other article, on the bridge of the president, directors and first company of the great western turnpike road, over the Schoharie creek, or the bridge hereafter to be built, or let remain on the said bridge any horse or horses and waggon, or any other other team, longer than is necessary to pay for the toll for passing the said bridge; or if any person shall race a horse, or drive a horse or horses and waggon, or any other team, faster than a walk over the said bridge, they shall forfeit the sum of fifty cents, to be recovered by the president, directors and first company of the great western turnpike road, in the name of their treasurer or their superintendent, in an action of debt: *Provided*, That a notice of such penalty shall be posted up in fair view, at each end of said bridge, for the information of travellers.

No boards, etc to be deposited on the bridge over Schoharie creek.

Sess. 33, c 193
Nor let horses etc. remain thereon,

Or race them thereon.

Penalty.

Proviso

XXIII. *And be it further enacted*, That nothing herein contained shall be construed to prevent any other stream or waters to be declared public highways, nor to affect or prejudice the rights of the people of this state to such as were at the time of the passing hereof public highways.

This act not to affect the rights of the people of this state to other streams, nor prejudice former highways

XXIV. *Provided always, and be it further enacted*, That it shall and may be lawful for Robert Troup and his associates, their heirs and assigns, being owners and proprietors of the lands lying on both sides of the stream, by and with the consent of the president and directors of the Western Inland Lock Navigation Company, to erect a dam across the Seneeca river, in the county of Cayuga, between the grist-mill owned by the said Robert Troup and his associates, and the northeast corner of lot number nine, in the township of Romulus: *Provided however*, That the said dam shall not be so constructed as to raise the waters of said river at any place opposite to land not owned by them: *And provided further*, That the said dam be so constructed that fish may pass the same, and that no obstruction to the passage of boats up or down the stream of said river shall be formed therein, unless some other passage of equal facility be provided for such boats, free from charge or expense by land, on the part of the said Robert Troup and his associates, and their heirs and assigns: *And provided also*, That this condition and restriction shall cease and be void whenever the president, directors and company of the Western Inland Lock Navigation

Dam permitted to be made over Seneeca river by Robert Troup and others
W. v. 3, 199

Proviso

Further proviso
W. v. 3, 508

Further proviso

A certain island on Hudson river granted to Solomon Smith
W. v. 3. 360

Provided he do not hinder rafts, &c coming down, &c.

John Bleecker and G. Peebles may erect a dam at Fort Miller falls on Hudson river
W. v 3 491

Proviso as to dimensions, &c, o. dam

D. I. Pell, A. Barker and T. Hunt may erect a dam, &c on the creek dividing Eastchester and Pelham
W v 4. 270

Proviso as to the passage of boats, &c.

And as to the height of the dam

Injuries occasioned thereby liable for, to party grieved

Further proviso as to grinding, etc for the inhabitants

Further proviso when grant shall be void for neglect as to the grinding, etc

Company, or any person by them authorised, shall erect locks at the Seneca falls on said river in pursuance of their charter; and it shall and may be lawful for Solomon Smith, his heirs and assigns, to have, hold and enjoy a certain island in the Hudson river near the east bank thereof, in the town of Greenwich, county of Washington, as fully and amply as the same was granted to him under the act, entitled "an act granting a certain island in the Hudson river to Solomon Smith," passed the nineteenth day of March, one thousand eight hundred and three:

Provided always, That it shall not be lawful for the said Solomon Smith, his heirs or assigns, to hinder any person or persons, coming down said river, with timber or rafts. from making fast their timber or rafts on any part of said island, or to receive any compensation for their so doing, any thing in this act contained to the contrary notwithstanding. And it shall and may be lawful for John Bleecker and Gerrit Peebles, their respective heirs

and assigns, to erect a dam on the east side of the Hudson river on Fort Miller falls, in the town of Argyle, in the county of Washington, on the place where their dam lately stood: *Provided nevertheless*, That it shall not be lawful for the said John Bleecker and Gerrit Peebles, their respective heirs or assigns, or any of them, to extend such dam so far into the said river, from the east bank, as the late dam extended, by thirty feet. And it shall and may be lawful for David I. Pell, Abijah Barker and Theodosius Hunt, and their heirs and assigns, to erect and build a dam, a grist-mill, and a saw-mill, if they shall deem it expedient to build a saw-mill on the creek which divides the two towns of Eastchester and Pelham, at some place near Fisher's Landing, and near the turnpike bridge over the said creek, and that they shall procure, at their own expense, the necessary land for the said purpose on each side thereof: *Provided always*, That in the mill-dam to be made by the said David I. Pell, Abijah Barker and Theodosius Hunt, their heirs or assigns, in pursuance of this act, there shall always be a good and sufficient draw-gate in the channel of the creek for vessels and boats, with or without masts, to pass and re-pass at all reasonable times and seasons of the tide: *And further*, That such mill-dam shall not be higher than the surface of the salt-meadows lying on the creek above the said dam, nor shall the said salt-meadows be drowned or injured thereby, and that in all cases of such injury, the owners and possessors of such meadows shall respectively have their remedy at law therefor against the said David I. Pell, Abijah Barker and Theodosius Hunt, and their respective heirs and assigns: *And further*, That when the before mentioned grist-mill shall be erected and prepared for grinding, the said David I. Pell, Abijah Barker and Theodosius Hunt, and their respective heirs and assigns, shall and are hereby bound to keep and maintain one good and sufficient run of stones and a bolt, for the use and accommodation of the inhabitants, and to grind for them at the accustomed toll of the neighboring mills: *Provided always*, That if the said dam and mill shall not be completed within the term of six years, so that there be one good and sufficient run of stones and bolt, ready for the use of the inhabitants of the said two towns, that then the

privilege hereby granted shall be null and void. And it shall and may be lawful for Samuel Titus, of Newtown, in the county of Queens, and his heirs and assigns, (the consent and approbation of the owners and proprietors of the land whereon the said dam and grist-mill is to be erected, and the owners of any land which may be overflowed by the waters of the said dam, being first had and obtained,) to erect and build a dam across Newtown creek aforesaid, near the public landing place on said creek to the northward thereof, and also contiguous or adjoining thereto, to erect and build a grist-mill, and the same to hold to him and his heirs and assigns forever, to his and their own proper use and benefit: *Provided nevertheless and upon condition*, That the said Samuel Titus, his heirs and assigns, shall, at all times hereafter during the continuance and working of the said grist-mill, grind and bolt at the said mill, all the grain which the inhabitants of Newtown shall require for their own consumption, in preference to any other work; and shall demand and receive, as toll therefor, one tenth part of the grain to be ground, and no more: *And further*, That the said Samuel Titus, his heirs or assigns shall, at all times hereafter during the continuance of the said dam and grist-mill, at his and their own expense, keep and repair a road from the land of John Schenck to the public landing-place on said Newtown creek, called the English kills: *And further*, It shall and may be lawful for Peter Collier, his heirs or assigns, to build and maintain a rolling dam across the Susquehannah river, at a place known by the name of Black-rift, not exceeding seven feet high from the bottom of the river, the lower side from the ridge not less than thirty feet wide; but the said Peter Collier, his heirs or assigns, shall make and keep in good repair a good, sufficient and convenient lock through his dam, at his mills, for boats to pass up and down the race-way, said lock to be made at such time, and in such manner as shall be ordered and directed by the court of common pleas of the county of Otsego, and permit boats to pass up and down said race, through said lock, free of costs, any law, usage or custom to the contrary notwithstanding: *And further*, The said Peter Collier shall make a good and sufficient sluice-way through said dam, the bottom whereof shall be as low as the bed of the river, which sluice-way shall be kept open from the first day of May, until the first day of June in each and every year; and that if the said Peter Collier, his heirs or assigns, shall neglect or refuse to comply with any of the foregoing provisions, he, she or they, shall forfeit the sum of ten dollars for each and every offence, to be sued for and recovered in any court having cognizance thereof, by any person in his own name, the one half whereof shall be to the use of the person prosecuting, and the other half shall be paid to the overseers of the poor of the town in which the offence shall be committed, for the use of the poor of the said town; but the privileges hereby granted to the said Peter Collier, shall endure and continue thirty years from the seventeenth day of February, one thousand eight hundred and nine, and no longer. And it shall and may be lawful for Jonas C. Baldwin, his heirs or assigns, to erect and main-

Samuel Titus may erect a dam over Newtown creek, on certain conditions W. v 4 389

And also a grist-mill

Provide as to grinding, etc for the inhabitants

Further provide as to keeping a certain road in repair

Peter Collier may build and keep a rolling dam across Susquehannah river W. v 5 449

Conditions and restrictions

Boats to pass lock free

Sluice way to be made.

If provisions hereby declared, are neglected, subject to a penalty

How sued for and applied

Limitation of privileges.

J. C. Baldwin may erect a

Dam across
Seneca river
W. v 5, 453

Proviso.

Manner of
making it.

Boats, etc. to
pass.

Further pro-
visions to ca-
nals and locks

As to placing
seines, etc

Penalty

Water for the
use of mills,
etc.

Penalty for
ruining dams,
etc.

If not recover-
ed.

Limitation of
privileges.

Further Rice
may maintain
a rolling dam
across the
west branch
of Chenango
river.
W. v 5, 457.

Proviso.

Further pro-
viso

tain a dam across the Seneca river, at the head of the Rapids, commonly called M'Harry's rift, of such height as shall be necessary for improving the navigation of said river, not exceeding seven and an half feet, on the rapids above said dam: *Provided always, and upon this express condition*, That there shall be in said dam, and in the channel of said river, a space not less than thirty feet in width, one and an half feet lower than the other parts of said dam, with an apron of an even ascent, from the bottom of the river to the top of said lowest part of the dam, not exceeding twelve and an half degrees of elevation, to admit the passage of rafts and boats down, and fish up, the said river, each side of which apron shall be secured with timber or strong plank, two feet above the same, in such manner as to prevent boats and rafts running off the sides of said apron in passing over the same: *And provided also*, That the said Jonas C. Baldwin, his heirs and assigns, shall erect and maintain a canal and lock for the passage of the largest boats usually employed in said river from above said dam, to the still water two feet deep below the same, said canal and lock to be at least twelve feet wide, and said lock to be at least seventy-seven and an half feet long within the gates, and with a sufficient depth of water to pass boats drawing two feet water, when loaded; and it shall not be lawful for the said Jonas C. Baldwin, his heirs or assigns, or any other person, to place, use or set, any fuyke, seine, net, wier or other device for taking fish, within the distance of five hundred yards of the said dam or canal, under the penalty of twenty-five dollars for each offence, to be recovered in an action of debt, before any justice of the peace in the county of Onondaga, for the use of the person suing for the same: *And further*, That it shall and may be lawful for the said Jonas C. Baldwin, his heirs and assigns, to take and make use of the water in said dam for the use of mills and hydraulic works, or to any other use to which the same is capable of being applied upon land owned by him, his heirs or assigns, and if any person shall wilfully and knowingly do any act or thing whereby the said dam, apron, canal or lock, or any gate or machine thereto belonging, shall be injured or damaged, he or they so offending shall forfeit and pay to the said Jonas C. Baldwin, his heirs or assigns, the damages by him or them sustained by reason of such known and wilful act, together with his or their costs of suit, to be recovered in any court having jurisdiction thereof; but this act and the privileges and advantages hereby granted to the said Jonas C. Baldwin shall continue for the term of twenty years from the twenty fourth day of February, one thousand eight hundred and nine, and no longer. And it shall and may be lawful for Luther Rice, his heirs and assigns, to build and maintain a rolling dam across the west branch of the Chenango river, on lot number sixty-six, in the town of Homer, not exceeding four feet high from the bottom of the river, the lower side from the ridge not less than sixteen feet wide: *Provided*, That nothing in this act contained shall be construed to authorise the said Luther Rice, his heirs or assigns, to obstruct said stream so as to overflow any person's land without the consent of the owner thereof: *And further*, That the said Luther

Rice, shall make and keep in good order and repair, a good and sufficient and convenient lock through his dam at his mills, for boats to pass through his race-way up and down the river, at such time and in such manner as shall be ordered and directed by the judges of the court of common pleas in and for the county of Cortland, and permit boats to pass up and down said race-way through said lock free from cost, any law, usage or custom, to the contrary notwithstanding: *Provided always*, That the privileges hereby granted to the said Luther Rice, shall endure and continue twenty-one years from the third day of March, one thousand eight hundred and nine, and no longer. And it shall and may be lawful for Elmore Russell, his heirs and assigns, to build and maintain a rolling-dam across the Susquehannah river, near the mill now owned by the said Elmore Russell, in the town of Windsor, in the county of Broome, not exceeding fifteen inches higher than the surface of the water of said river at the place where the said dam shall be erected at low water, and which dam shall form an angle of not more than twenty degrees; and that the said Elmore Russell, his heirs or assigns, shall, if necessary, make and keep in good repair, a good, sufficient and convenient lock through his dam, to be erected as aforesaid, for boats to pass up and down the said river; the said lock to be made at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Broome; and that all boats be permitted to pass up and down said river through said lock, free from any costs or charges for the same; and that the said Elmore Russell shall make a good and sufficient sluice-way through said dam, thirty feet in width, the bottom whereof shall be as low as the bed of said river, which sluice-way shall be kept open from the first day of April, until the first day of June in each year; and that if the said Elmore Russell, his heirs or assigns, shall neglect or refuse to comply with any of the provisions of this act, after erecting said dam, he, she or they shall, for each and every month he, she or they, shall so neglect or refuse, forfeit the sum of twenty-five dollars for such neglect or refusal, and the same to be recovered at the suit of any person who shall prosecute for the same, before any court having cognizance thereof, one half to belong to the overseers of the poor of the town of Windsor, and the other half to the person prosecuting; but the right and privileges hereby granted to the said Elmore Russell, his heirs and assigns, shall be and remain in force during the term of fifteen years from the twenty-ninth day of March, one thousand eight hundred and nine, and no longer. And it shall and may be lawful for Peter Bradley and John Avery, their heirs and assigns, to erect and maintain a rolling dam across the Susquehannah river, adjoining the land of the said Peter Bradley, in the town of Sidney, in the county of Delaware, not exceeding thirty inches in height from the bottom of the river in the most shallow part thereof, the lower side from the ridge not less than twelve feet wide; and that it shall and may be lawful for the said Peter Bradley and John Avery, their heirs and assigns, from and after the fifteenth day of June in each year, to set a plank or board on their said dam, not more than one foot wide, to save the water if they should

Boats, to pass
toll free.

Limitation of
privileges.

Elmore Russell may
maintain a
rolling-dam
across Susquehannah river.
W. v. 5. 512

Lock to be
made.

Boats to pass
toll free.

Sluice-way.

Penalty for
neglecting to
comply with
these provisions.

Penalty how
recovered and
applied.

Limitation of
privileges.

P. Bradley &
J. Avery may
maintain a
rolling-dam
across Susquehannah
river.
W. v. 5. 512.

Proviso, as to
boats, etc.

Further pro-
viso, when
privileges for-
feited.

Further pro-
viso, as to
lock, etc.

Boats, etc. to
pass.

Limitation of
privileges

T. Shankland
may maintain
a rolling-dam
across Sus-
quehannah
river
W. v. 3. 491

Lock, etc. to
be made.

Boats, etc. to
pass toll free.

Proviso, as to
covering the
lands of others
with water.
Sess. 31. c 27

Limitation of
privileges.

Moses Gran-
ger may main-
tain a rolling-

think it necessary, which said plank or board may remain so set up until the first day of March, next thereafter in each year, and no longer : *Provided nevertheless*, That no obstruction shall be made to the passage of boats, rafts or arks, in common rafting freshets, with the same facility as at present ; and should it be found expedient at any future time to improve the navigation of said river, the said Peter Bradley and John Avery, shall permit such improvement to be made, by locks or otherwise : *Provided also*, That if the erection of said dam within the period hereby limited, shall be found productive of inconveniences, either to the public or persons living in the vicinity thereof, the authority hereby granted to the said Peter Bradley and John Avery, shall and may be revoked, either by the court of common pleas of the county of Otsego, or of the county of Delaware : *And provided also*, That the said Peter Bradley and John Avery, shall make and keep in repair a good and sufficient lock in said dam across the said river, for boats to pass through the said lock as shall be ordered and directed by the court of common pleas of the county of Delaware, and permit boats to pass up and down said race through the said lock, free of costs, any law, usage or custom, to the contrary notwithstanding ; but the said rights and privileges hereby granted to the said Peter Bradley and John Avery, and their heirs, shall be and remain in force for the term of twenty years from the thirtieth day of March, one thousand eight hundred and nine, and no longer. And it shall and may be lawful for Thomas Shankland, and his heirs, to build and maintain a rolling dam across the Susquehannah river, at the head of his raceway, where he turns the waters of the Susquehannah river, to his grist-mill, near Coopers-town, not exceeding two feet high from the bottom of the river, the lower side from the ridge not less than twelve feet wide : *And further*, It shall be lawful for the said Shankland, his heirs and assigns, from and after the fifteenth day of June in each year, to set a plank or board on said dam, not more than one foot wide, to save water if he shall think it necessary, which said plank or board may remain so set up, until the first day of March next thereafter in each year, and no longer ; and that the said Shankland, shall make and keep in good repair, a good, sufficient and convenient lock through his dam at his mills, for boats to pass up his race-way into Lake Otsego ; said lock to be made at such time and in such manner, as shall be ordered and directed by the court of common pleas of the county of Otsego, and permit boats to pass up and down said race-way through said lock, free of cost, any law, usage or custom, to the contrary notwithstanding : *Provided however*, That nothing in this act shall be so construed as to authorise the said Thomas Shankland, or his heirs or assigns, to obstruct the stream so as to cover any land with water, unless the consent of the owner is first obtained ; but the rights and privileges hereby granted to the said Thomas Shankland, his heirs and assigns, shall be and remain in force for twenty-four years from the twenty-sixth day of February, one thousand eight hundred and eight, and no longer. And it shall and may be lawful for Moses Granger, his heirs and assigns, to build and maintain a rolling-dam across the right branch of the Chenango river, on lot

number ninety-eight, in the town of Homer, not exceeding three feet six inches high from the bottom of the river, the lower side from the ridge not less than twelve feet wide: *Provided*, That nothing in this act contained shall be construed to authorise the said Moses Granger, his heirs or assigns, to obstruct said stream so as to overflow any person's land without the consent of the owner thereof; and that the said Moses Granger, shall make and keep in good repair, a good and sufficient convenient lock through his dam at his mills, for boats to pass through his race-way, up and down the river, at such time and in such manner as shall be ordered and directed by the judges of the court of common pleas in and for the county of Onondaga, and permit boats to pass up and down said race-way through said lock, free from cost, any law, usage or custom to the contrary notwithstanding; but the said rights and privileges hereby granted to the said Moses Granger, his heirs and assigns, shall be and remain in force for the term of twenty-one years from the twenty-fifth day of March, one thousand eight hundred and eight, and no longer.

dam across the right branch of the Chenango river.

A lock, etc. to be made.

Boats, etc. to pass toll free.

And it shall and may be lawful for Asa Stowel, Elijah Stowel, and their heirs, to erect and maintain a rolling-dam across the Susquehannah river, adjoining the farms of the said Asa Stowel and Elijah Stowel, in the town of Jerico, in the county of Chenango, not exceeding thirty inches high from the bottom of the river in the most shallow part thereof, the lower

A. Stowel and E. Stowel may maintain a rolling dam across the Susquehannah river. Sess. 31. c. 183

side from the ridge not less than twelve feet wide; and it shall and may be lawful for William Guthrie and David Cooper, and their heirs, to erect and maintain a rolling dam across the said Susquehannah river, adjoining the farm of the said William Guthrie, not exceeding thirty inches high from the bottom of the river, in the most shallow part thereof, the lower side from the ridge, not less than twelve feet wide. And it shall and may be

And also the like privilege granted to W. Guthrie and D. Cooper. Sess. 31. ch. 193, sec. 2

lawful for Samuel Bixbee, junior, Benjamin S. Carpenter and Reuben Bump, junior, and their heirs, to erect and maintain a rolling dam across the said Susquehannah river, adjoining the farm of the said Samuel Bixbee, junior, not exceeding thirty inches high from the bottom of the river, in the most shallow part thereof, the lower side from the ridge not less than twelve feet

And to S. Bixbee, jun. B. S. Carpenter and R. Bump, jun. Sess. 31. ch. 183. sec. 3

wide: *And further*, It shall be lawful for the said Asa Stowel, Elijah Stowel, William Guthrie, David Cooper, Samuel Bixbee, junior, Benjamin S. Carpenter and Reuben Bump, junior, their heirs and assigns, from and after the fifteenth day of June in each year, to set a plank or board on their said dams, not more than one foot wide, to save the water, if they should think it necessary, which said plank or board may remain so set up until the first day

Further privileges of A. Stowel, E. Stowel, W. Guthrie, D. Cooper, S. Bixbee, jun. B. S. Carpenter and R. Bump, jun.

of March next thereafter in each year, and no longer: *And provided nevertheless*, That no obstructions shall be made to the passage of boats, rafts, or arks, in common rafting freshets, with the same facility as at present; and should it be found expedient at any future time, to improve the navigation of said river, the said Asa Stowel, Elijah Stowel, William Guthrie, David Cooper, Samuel Bixbee, junior, Benjamin S. Carpenter and Reuben Bump, junior, shall permit such improvement to be made by

Proviso, as to future improvements in the navigation.

locks or otherwise : *And provided also*, That if the erection of said dams, within the period hereby limited, shall be found productive of inconveniences, either to the public or persons living in the vicinity thereof, the authority hereby granted to the said Asa Stowel, Elijah Stowel, William Guthrie, David Cooper, Samuel Bixbee, junior, Benjamin S. Carpenter and Reuben Bump, junior, or either of them, shall and may be revoked by the court of common pleas of the county of Chenango ; *And provided also*, That the said Asa Stowel, Elijah Stowel, William Guthrie, David Cooper, Samuel Bixbee, junior, Benjamin S. Carpenter and Reuben Bump, junior, shall make and keep in repair a good and sufficient lock, through each of their dams across the said river, for boats to pass through the said locks, to be made at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Chenango, and permit boats to pass up and down said race through said lock free of cost, any law, usage or custom, to the contrary notwithstanding ; but the said rights and privileges hereby granted to the said Asa Stowel, Elijah Stowel, William Guthrie, David Cooper, Samuel Bixbee, junior, Benjamin S. Carpenter and Reuben Bump, junior, and their heirs respectively, shall be and remain in force for the term of thirty years, from the eighth day of April, one thousand eight hundred and eight, and no longer. And it shall and may be lawful for Alexander Alexander to erect a dam, not exceeding four feet in height, across the Mohawk river, from his mill, standing on the south side of said river, about four miles below the bridge in the city of Schenectady : *Provided*, The said dam be so constructed as not to cause any back water above the rapid or falls about one quarter of a mile above said mill, or to cause the water in any other part of said river to rise above its common level ; *And provided also*, That no obstruction shall be made to the passage of boats or rafts in common tides with the same facility as at present ; and should it be found expedient at any future time to improve the navigation of said river, the said Alexander Alexander shall permit said improvement to be made by locks or otherwise ; *And provided further*, That if the erection of the said dam shall, within the period aforesaid, be found productive of inconvenience, either to the public or persons living in the vicinity thereof, the authority hereby granted to the said Alexander Alexander shall and may be revoked by the court of common pleas, of the county of Schenectady ; but the said rights and privileges hereby granted to the said Alexander Alexander, his heirs and assigns, shall be and remain in force for the term of twenty years from the second day of April, one thousand eight hundred and five, and no longer. And it shall and may be lawful for Hugh McNair, of the town of Sparta, in the county of Ontario, to erect and keep a dam across Canascroga creek in said town, for the purpose of supplying mills and other works with water ; and it shall be the duty of the said Hugh McNair, his heirs and assigns, to cause to be made on such dam a sufficient lock or canal to permit a convenient passage of boats or rafts, not less than sixteen feet in width, so soon as the said creek shall be cleared and be navigable for such boats or rafts,

Further proviso, as to the revocation of the privileges.

Further proviso, as to locks, etc.

Boats, etc. to pass toll free.

Limitation of privileges.

A. Alexander may erect a dam across the Mohawk river.
W. v. 4. 127

Proviso, as to construction of dam.

Further proviso, as to the passage of boats.

Further proviso, when privileges may be revoked.

Limitation of privileges.

Hugh McNair may erect a dam across Canascroga creek.
Sess. 34. c. 106

Lock etc. directed.

which lock or canal all persons shall have the liberty of passing at all times free of expense; and also to keep the said lock or canal in good repair as long as the said dam shall impede the passage of such boats or rafts; and if the said Hugh McNair, his heirs and assigns, shall unreasonably delay or hinder any person with rafts or boats from passing such lock or canal, he or they shall, for every such offence, forfeit and pay two dollars for every hour's detention, to be recovered with costs, to the use of the persons so delayed or hindered, before any justice of the peace of the said county of Ontario; and that if the said Hugh McNair, his heirs and assigns, shall at any time, while the said dam shall exist, and after the said lock or canal shall be finished, suffer the said lock or canal to be out of repair for seven successive days, so as to prevent the passage of boats or rafts as aforesaid, then, and in such case, this act shall cease and be void; and all rights granted to the said Hugh McNair shall cease and be revoked; and that it shall be the duty of the judges of the court of common pleas of the county of Ontario, or any three of them, not interested in the said dam, to examine and decide, when the said creek shall have been cleared and become navigable for rafts and boats, and their certificate of the fact, under their hands, filed with the clerk of said county, shall be conclusive evidence of the same; and the said Hugh McNair, his heirs and assigns, shall, within two months after such certificate shall be filed, and notice thereof to him or them given, erect, make and complete the said lock or canal in manner aforesaid, on pain of forfeiting all his or their rights granted to him or them by this act. And it shall and may be lawful for Samuel Cotton, Joseph T. Gilbert, Levi Barden, Luther Cowles and Nathan S. Hunt, and their heirs, to erect and maintain a rolling-dam across the Unadilla river, adjoining the lands of the said Samuel Cotton, in the town of Oxford, in the county of Chenango, not exceeding thirty-six inches high from the bottom of the river, in the most shallow part thereof, the lower side from the ridge not less than twelve feet wide: *And further*, It shall be lawful for the said Samuel Cotton, Joseph T. Gilbert, Levi Barden, Luther Cowles and Nathan S. Hunt, their heirs and assigns, from and after the fifteenth day of June in each year, to set a plank or board on their said dam, not more than one foot wide, to save the water, if they should think necessary, which said plank or board may remain so set up until the first day of March next thereafter in each year, and no longer: *And provided nevertheless*, That no obstructions shall be made to the passage of boats, rafts or arks, in common rafting freshets, with the same facility as at present; and should it be found expedient at any future time to improve the navigation of said river, the said Samuel Cotton, Joseph T. Gilbert, Levi Barden, Luther Cowles and Nathan S. Hunt, shall permit such improvement to be made by locks or otherwise: *And provided also*, That if the erection of said dam within the period hereby limited, shall be found productive of inconveniencies, either to the public or persons living in the vicinity thereof, the authority hereby granted to the said Samuel Cotton, Joseph T. Gilbert, Levi Barden, Luther Cowles and Nathan S. Hunt, shall and may be revoked by the court of common pleas

Boats to pass toll rec.

Penalty for delay, etc.

How recovered.

Locks etc. suffered to be out of repair, to work a forfeiture of privileges.

Certificate required,

to be conclusive.

To be produced on pain of forfeiture.

S. Cotton, J. T. Gilbert, L. Barden, L. Cowles and N. S. Hunt, may erect a dam across the Unadilla river Sess. 34. c. 121 Dimensions.

Water may be saved and how.

Provido, no obstructions to the passage of boats.

Further proviso, as to revoking privileges, etc.

By whom to be revoked

Further provision, as to locks, etc	of the county of Chenango: <i>And provided also,</i> That the said Samuel Cotton, Joseph T. Gilbert, Levi Barden, Luther Cowles and Nathan S. Hunt, shall make and keep in repair a good and sufficient lock through their dam across the said river for boats to pass through the said lock, to be made at such time, and in such manner as shall be ordered and directed by the court of common pleas of the county of Chenango, and permit boats to
Boats to pass toll free	pass up and down said race, through said lock free of costs, any law, usage or custom to the contrary notwithstanding: But the rights and privileges hereby granted to the said Samuel Cotton, Joseph T. Gilbert, Levi Barden, Luther Cowles and Nathan S. Hunt, their heirs and assigns, shall be and remain in force for the term of thirty years from the fourth day of April, one thousand eight hundred and eleven, and no longer. And it shall and
Limitation of privileges	may be lawful for George Wilson, and his heirs, to build and maintain a rolling dam across the Susquehannah river, adjoining the lands of the said George Wilson, in the town of Windsor, in the county of Broome, not exceeding twenty-four inches high from the bottom of the river, in the most shallow part thereof, the lower side from the ridge not less than twelve feet wide: <i>And</i>
G. Wilson may erect a rolling-dam across the Susquehannah river Sess. 34. c 136	<i>further,</i> It shall be lawful for the said George Wilson, his heirs and assigns, from and after the fifteenth day of June in each year, to set a plank or board on his said dam, not more than one foot wide, to save the water if he shall think it necessary; which said plank or board may remain so set up until the first day of March next thereafter, in such year, and no longer: <i>And provided nevertheless,</i> That no obstruction shall be made to the passage of boats, rafts or arks in common rafting freshets, with the same facility as at present; and should it be found expedient at any future time to improve the navigation of said river, the said George Wilson shall permit such improvement to be made by locks or otherwise: <i>And provided also,</i> That if the erection of said dam, within the period hereby limited, shall be found productive of inconveniences either to the public or persons living in the vicinity thereof, the authority hereby granted to the said George Wilson, shall and may be revoked by the court of common pleas of the county of Broome: <i>And provided also,</i> That the said George Wilson shall make and keep in repair a good and sufficient lock through said dam for boats to pass through the said lock, to be made at such time, and in such manner as shall be ordered and directed by the court of common pleas of the county of Broome, and permit boats to pass up and down said race through said lock free of cost, any law, usage or custom to the contrary notwithstanding; but the rights and privileges hereby granted to the said George Wilson, his heirs and assigns, shall be and remain in force for the term of thirty years from the fourth day of April, one thousand eight hundred and eleven, and no longer. And it shall and may be lawful for Oliver Cory, and his heirs and assigns to build and maintain a rolling dam across the Susquehannah river, about three miles from the outlet of Lake Otsego, not exceeding eight feet in height, from the bottom of the river; and that the said Oliver Cory shall make and keep in good repair a good, sufficient and convenient lock through said
Dimensions	
Saving of the water	
As to obstructions to the passage of boats, etc.	
When and how privileges revokable	
By whom	
Lock, etc. to be kept	
Limitation of privileges	
The like privilege granted to O. Cory over the Susquehannah river Sess. 34, c 149	

dam for boats to pass up said river into Lake Otsego; said lock to be made at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Otsego; and permit boats to pass up and down said river through said lock free of cost, any law, usage or custom to the contrary notwithstanding: *Provided however*, That nothing in this act shall be so construed as to authorize the said Oliver Cory or his heirs or assigns, to obstruct the stream so as to cover any land with waters, unless the consent of the owner is first obtained; but the rights and privileges hereby granted to the said Oliver Cory, shall be and remain in force for the term of twenty-four years from the fourth day of April, one thousand eight hundred and eleven, and no longer. And it shall and may be lawful for Dean Edson and James McCrea, their heirs and assigns, to erect and maintain dams across the northerly half of the river Boquet, in the county of Essex, above the navigable waters or lower falls thereof, adjacent to the patent of land originally granted to James Ross: *Provided always, and upon this express condition*, That there shall be left a slope in such dams, not exceeding forty-five degrees, or by removing the obstructions of such dams in any other manner, so that salmon may freely pass into the waters above such dams, under the penalty of two hundred dollars, to be recovered with costs of suit, by action of debt, the one half of which forfeiture, when recovered, shall be paid to the prosecutor, and the other half to the overseers of highways of the town where such recovery shall be had, to be applied to the repairing of roads in such town: *And provided also*, That the said dams shall not extend farther south than to the middle of said creek: *And provided also*, That nothing in this act contained shall be deemed to impair any right heretofore vested in any person or persons whatsoever: *And provided further*, That nothing in this act contained shall be construed to authorise the said Dean Edson and James McCrea, their heirs or assigns, to erect or maintain any dam or dams on the said river, at the place or places aforesaid, to extend farther than to the centre of the said stream, commencing on the north bank of the said river Boquet, above or below the said navigable waters or lower falls thereof, or either of them: *And provided further*, That nothing in this act contained shall prevent any person or persons claiming and owning the lands on the south side of the said river, at the place aforesaid, from erecting and maintaining a dam or dams across the one half of the said river, or the navigable waters or lower falls thereof, commencing such dam or dams on the south bank of the said stream, and extending the same from the said bank to the middle of the said river and no farther, without the consent or approbation of the said Dean Edson and James McCrea, their heirs or assigns: *And further*, That if either of the said parties shall extend their dam or dams, so by them erected and maintained, or hereafter to be erected and maintained, farther than as aforesaid, it shall and may be lawful for the party offended against, to remove such part of such dam or dams as shall be so erected or extended further than to the centre of the said stream, unless the parties aforesaid, their heirs or assigns, shall agree to

Boats, etc. to pass toll free

Proviso, as to obstructions, etc.

Limitation of privileges.

D. Edson and J. McCrea may erect a dam across the river Boquet. Sess. 35. c 152.

Proviso.

How to be made.

As to the fishery. Penalty.

Further proviso.

Further proviso.

Further proviso.

Further proviso, as to dams of other persons.

Further proviso.

Further proviso.

J. McBurney may erect a dam across the Canisteeo river. Sess. 35, c 170 Proviso.

Further proviso, as to the passage of boats, etc.

Proviso, when the privilege ceases.

S. Messenger, junior, may build a dam across Chittenango creek. W. v 3, 363

Proviso, as to the fishery. As to a lock, etc.

Guilty of a misdemeanor for violating the privilege.

Unreasonable delay.

Penalty.

Causeways, etc allowed between Mill's and Papskni Islands and the main land. K&R. v 2. 302

Proviso.

Buoys, etc. to set-nets allowed in a certain manner between Troy and N. York.

the same, any thing herein to the contrary hereof in any wise notwithstanding: *And provided further*, That it is the true intent and meaning of this act, and of the provisoes therein contained, that as well the owners and occupants of the lands on the southerly side of the said river Boquet, as the said Dean Edson and James McCrea, their heirs or assigns, the owners of the land on the northerly side of the said river, shall be entitled to and enjoy an equal moiety or half part of the waters of the said river. And it shall and may be lawful for James McBurney, and he is hereby authorised to erect a dam across the Canisteeo river, at the place where Purdy's bridge crosses the said river, for the purpose of erecting mills: *Provided*, That the dam so to be erected shall not exceed four feet in height: *And provided further*, That the said James McBurney shall erect an apron or lock in said dam, of such construction as to render the passage safe and easy for arks, rafts, and all other boats common in said river, at all times during the continuance of the said dam: *And provided further*, That if the passage aforesaid shall at any time be obstructed, this act shall be absolutely void. And it shall and may be lawful for Samuel Messenger, junior, to build a dam across Chittenango creek, beginning on the land now owned by the said Samuel Messenger, junior, on lot number sixteen, in the town of Manlius, county of Onondaga: *Provided nevertheless*, That such dam shall be so constructed as not to prevent the passage of fish up said creek: *And further*, Whenever said creek shall be used as a public highway, shall make a sufficient lock for the passage of boats up and down the same: And that if the said Samuel Messenger, junior, his heirs or assigns, shall construct a dam across said creek different from the true construction and meaning of this act, he, she or they shall be deemed to be guilty of a misdemeanor, and shall be punishable by indictment or otherwise: And that if the said Samuel Messenger, junior, his heirs or assigns, shall unreasonably delay the passage of any boat passing up or down said creek, for the space of two hours, he, she or they shall, for every such offence, forfeit the sum of five dollars, to be recovered in an action of debt, in the name, and to the use of such person so unreasonably delayed. And it shall and may be lawful for the proprietors of the islands, commonly called Mill's Island, and the Island called Papskni, and the proprietors of the soil on the main land adjacent to the said islands respectively, or any of them, to obstruct the passage of the water passing between the said islands and the main land, by placing causeways or other obstructions, as to them shall seem proper; or for any other person or persons, by and with the consent of such owner and owners, to make such obstructions as aforesaid: *Provided always*, That such obstructions shall be erected at the expense of such owner or owners of the soil as shall agree thereto, or at the expense of such person or persons as shall obtain license from such owner or owners for the purpose of erecting such obstructions, and on such terms and conditions as the contracting parties may agree upon. And it shall and may be lawful for any person whatsoever to make use of set-nets for catching fish in any part of Hudson's river between the city of New-York and the village

of Troy, in the county of Rensselaer, as are constructed with w. v 5, 64, 468.
 buoys not exceeding three feet in length, and two feet in diameter, and unconnected with any poles, stakes or timber; and it shall also be lawful for any person or persons to set any number of poles in the bed of said river, for the purpose of affixing set-nets thereto between the city of New-York and the village of Troy, in the county of Rensselaer: *Provided always nevertheless*, That every person or persons who shall at any time hereafter set or affix any pole or poles in the bed of the said river, for the purpose of affixing any net or nets thereto, shall within eight days thereafter, mark on each pole, and as near the top as conveniently will admit, the initial letters of his or their name or names, and also make and subscribe an affidavit before some justice of the peace in said county, setting forth the number of poles that he or they have so set or affixed, in the bed of the said river, and that he or they have marked the initial letters of his or their name or names, near the top of each pole, and shall file the said affidavit in the office of the clerk of the town on that side of the river, and opposite to where the said poles were set; and that if any persons shall at any time set or place any pole or poles in the bed of the said river, and shall not within eight days thereafter, take and subscribe such affidavit, and file the same in the manner herein before mentioned, he or they shall forfeit the sum of twenty dollars, to be recovered with costs of suit, by and for the use of any person who may sue for the same, in any court having cognizance thereof; and that any person or persons who shall set or place in the bed of the said river, between the said city of New-York, and the said village of Troy, any number of poles for the purpose of affixing any net or nets thereto, and shall omit, neglect or refuse to take up and remove the same from out of the bed of the said river, on or before the tenth day of June then next, shall forfeit and pay for every pole that he or they shall so leave standing in the bed of the said river, the sum of ten dollars, to be recovered and applied in the manner last aforesaid: and every person so offending, shall be moreover liable to pay all damages to individuals in consequence thereof: *Provided*. That nothing in this act shall be so construed as to authorise the setting of any pole or poles in the bed of the channel of the aforesaid river, or in any place which heretofore hath been used or occupied as a fishing place for the purpose of drawing seines.

Proviso.

As to marking the poles, etc.

Affidavit required

Penalty

Poles when to be removed

Penalty

Further proviso

[The following acts, connected with the subject of the foregoing law, were passed at the last session, but are deemed *local*, and not necessary to be published at large.]

CHAP. XXXVII.

An ACT authorising Phinehas Bennet to erect a Dam across the Susquehannah river, in the Town of Unadilla.

Passed February 12, 1813.

CHAP. XLIX.

An ACT extending to Samuel Sidney Breese the privilege of erecting a Dam across the Skenando Creek, in Oneida County.

Passed March 12, 1813.

CHAP. LXII.

An ACT authorising Henry Kennedy and Matthew Nealy to erect a Dam across the Cohocton Creek, in the County of Steuben, and for other purposes.—[Section III. authorises A. McCall to continue a Dam across Tioga river.]

Passed March 12, 1813.

CHAP. LXXI.

An ACT to authorise Samuel Crafts to erect a Dam across the Susquehannah River.

Passed March 19, 1813.

CHAP. CXXXV.

An ACT authorising William Doty and others to erect a Dam across the Susquehannah River.

Passed April 6, 1813.

CHAP. CXLVIII.

An ACT authorising a Dam to be built across Haerlem River.

Passed April 8, 1813.

CHAP. XLIII.—(R.L.)

An ACT to regulate Highways in the Counties of Suffolk, Queens and Kings.

Passed April 2, 1813.

[V. S. v. 1. 262.—K&R. v. 2. 191.—Sess. 35. c. 98.]

Commissioners of highways in those counties
K&R. v. 2 191
§ 1

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of highways, to be elected or appointed in each of the several towns of the counties of Suffolk, Queens and Kings, are hereby authorised to regulate the highways, public landings and watering places, already laid out, and to lay out such other public highways, or roads, in their respective towns, as to them, or a majority of them, shall seem necessary or convenient, and, if need be, from

time to time, to take a view of the roads, public landings or watering places, already laid out or hereafter to be laid out, in their respective towns, and to alter such as shall appear inconvenient in such manner as they, or the major part of them, shall think proper, as well for travellers as for the inhabitants of such town and the adjacent towns, and to close such roads in the respective towns as shall appear to them, or the major part of them, to be unnecessary; and the said commissioners are hereby authorised to sell and convey all such roads as they shall think proper to close or shut up, and shall offer the land, contained in such road, at three fourths of the true value thereof, according to their best judgment, to the person or persons who may own the land adjoining; and if such person or persons refuse to purchase the land contained in such closed road, at such estimate, the commissioners may dispose of it to any other person or persons at the same or a higher valuation; and the monies arising from such sale shall be by them applied towards purchasing or repairing roads in such town where such old roads shall be closed: *Provided always*, That all roads which have become public highways by the twenty-second section of this act, when so closed by the commissioners, shall revert to the owner or owners of the land through which such road passes:

Authorised to
sell roads shut
up, &c.

Proviso

II. *And be it further enacted*, That if the commissioners, upon a view of the roads, public landings or watering-places, shall find any of them lessened, or obstructed, or blocked up, the said commissioners, or the major part of them, may open the same to such width as is mentioned in the record of such road, public landing or watering-place, if to them such width shall appear necessary for such road, public landing or watering-place, or to such width, as they, or a majority of them, shall think proper, not less than three rods if a highway, unless the record be of less width. And if any of the roads, public landings, or watering-places, so lessened or blocked up as aforesaid, shall run or happen to be between the lands belonging to two or more persons, and a dispute should arise which of them has encroached upon the road, public landing or watering-place, as the case may be, the said commissioners, or the major part of them, after being first sworn, (or affirmed, as the case may be) in manner following, viz. "You shall well and truly try this matter of difference between A. B. and C. D. respecting a road running between them, and give a true judgment according to evidence, so help you God," shall then hear their respective allegations and give their judgment thereon as they, or a majority of them, shall find equitable and just, and may direct such one so encroaching to remove his fence or other obstruction back to the width of three rods at least, or to the width mentioned in the record as they may think proper; and in case such decision shall take from one or both, lands which they have actually purchased, such possessor or possessors shall have their remedy respectively against the person or persons, or their legal representatives, whom they purchased from. And the said commissioners, or a majority of them, after making such decision, and committing the same to writing, and subscribing their names

Power of com-
missioners as
to roads, &c.
obstructed
K. & R. v. 2
197, 198. § 18

Oath in that
case to be ta-
ken

Their decision
to be obeyed

Penalty for
refusing.

thereto, shall give information to such one so encroaching upon the highways, public landings or watering-places, and if the person so offending does not cause such obstruction to be removed within twenty days after such notice, and being warned thereunto by the overseer of the highway of the district where it may happen to be, the offender or offenders shall each forfeit and pay the sum of five dollars, and the like sum for every eight days such obstruction shall afterwards remain unremoved, to be recovered with costs by the overseer of the highway of the district where it may happen to be, and applied in the same manner as the other penalties incurred by the eleventh section of this act are recovered and applied: *Provided always*, That no person shall be liable to pay more than twenty-five dollars, in any one suit, for penalties incurred by this act, any thing to the contrary notwithstanding.

Roads laid
through private
property to be by
consent of owner,
or by paying
him therefor
K&R. v 2
191—proviso
to § 1

III. *And be it further enacted*, That it shall not be lawful for the said commissioners, or any of them, to lay out any road through any person's land, without either the consent of the owner thereof or paying him the true value of the land so laid out into a highway, with such damages as he shall sustain thereby; and if any dispute shall arise concerning the value of the land or damages, the same shall be determined, and the true value and damages set and appraised by two justices of the peace of the county, by the oath of twelve freeholders, from some other town or towns in the county, and not having any interest in the lands in dispute, to be summoned by the sheriff by virtue of a warrant, to be issued by the said two justices for that purpose; and in all cases of public highways so laid out or altered as aforesaid, the value of the lands and damages, together with the charges of the commissioners, and the charges of summoning the jury and of their verdict, and of the whole proceedings had thereon, shall be raised in the town where such highway shall be laid out, and be levied and paid in like manner as the other contingent charges of the county; and the highway so laid out shall be a common and public highway: But if the road so laid out or altered, be for the private use and benefit of any particular person or persons, who desire the same to be laid out or altered, then the value of the land, damages and charges aforesaid, shall be paid by the person or persons who desire the same to be laid out or altered, and such road shall be for the only proper use of such person or persons, and his and their heirs and assigns, who shall pay for the same; but the person through whose land such road shall be laid out, his heirs and assigns, shall not be debarred from crossing or using the same.

Monies how
raised

Unless for a
private person
and then such
party shall
pay

Commissioners may alter
roads over
private property, upon
agreeing with
the owners
K&R. v 2
192 § 2.

IV. *And be it further enacted*, That where any road hath been laid out contiguous to, or through any persons land in any town in either of the said counties, and it shall appear to the commissioners of the same town, or the major part of them, that another road may be laid out through the same person's land, that would be more convenient for the inhabitants as well as for travellers, it shall and may be lawful for the said commissioners or the major part of them, to agree with the owner or proprietor of the same lands, concerning the same, and to exchange the said road already laid out, for another road to be laid out by the said

commissioners, through the said person's land, which agreement shall be good and valid in the law, and the owner or proprietor of such land, shall hold and enjoy the land where such former road was laid out to him and his heirs and assigns forever.

V. *And be it further enacted*, That whenever any person shall conceive himself agrieved by the commissioners in any determination of theirs under this act, either in laying out or altering any such road, or regulating any such public landing or watering-place, it shall be lawful for such person to appeal within fifteen days after such decision or determination of the commissioners, to any three of the judges of the court of common pleas for the county where such road, public landing or watering-place is situated, whose duty it shall be to convene and decide such appeal, and their decision, or that of any two of them, shall be conclusive in the premises; for which services every such judge shall be entitled to receive two dollars for every day employed therein, to be paid by such party appealing where the determination of the commissioners shall be affirmed; but where such determination shall be reversed, the same shall be collected and paid as part of the contingent charges of the county.

Appeal given from the commissioners to 3 judges of the com. pleas.

VI. *And be it further enacted*, That the commissioners of every town in said counties, shall from time to time enter in writing all the highways and roads by them laid out, approved of, altered or closed, and subscribe the same in writing, and cause the same to be recorded in the town records or in the county records, and the several clerks are hereby required to record the same.

Roads laid out or altered, etc. to be recorded. K.&R. v. 2. 193 § 3

VII. *And be it further enacted*, That all public highways to be laid out by virtue of this act in either of the said counties, shall not be less than three rods wide, and that all roads to be laid out at the request and for the use and benefit of any particular person or persons, shall not be less than twenty feet, nor exceed two rods in breadth.

Width of roads K.&R. v 2, 193 § 4

VIII. *And be it further enacted*, That where any road from any town or village or plantation, in either of the said counties, leading to any public landing or watering-place, mill or meadow, shall run through any person's land, it shall be lawful for such person or persons, by the approbation of the commissioners of such town or place, to hang good easy swinging gates on such road, and keep them in good repair at his and their own proper costs; but no roads leading to, or out of, any commons or public watering-places, (where the cattle belonging to any town or village usually pass to and from such commons or waterings) shall be obstructed by any swinging gates or otherwise, without the consent of the inhabitants of such town or village, or the major part of them; and the several gates already standing and allowed, may be approved and continued, or altered or removed as the commissioners shall from time to time judge most convenient; and all such roads shall be amended and maintained by the inhabitants of the place where such roads may run.

Swinging gates how and when permitted. K.&R. v 2, 193 § 5

IX. *And be it further enacted*, That each commissioner in each of said counties shall have, as a reward for his care and trouble for every day he shall be employed in the duties required of him by this act, either in laying out or regulating highways or other-

Compensation to commissioners. K.&R. v 2, 194 § 7

wise, in the town where he is chosen or appointed, the sum of one dollar, and the commissioners of each town shall transmit their accounts to the supervisors of the county, who shall cause the sums they shall find to be due to the said commissioners, except in cases where they are to be paid by particular persons, to be raised in the town where they are chosen or appointed commissioners, together with the necessary and contingent charges of the county, and to be paid to the commissioners.

Commissioners when to meet:
Sess. 35, c 98
§ 1

Duty of overseers of highways, as to lists, etc.

Proviso, as to names omitted.

Reassessments how & when allowed.

Penalty on persons assessed not appearing or working.
K. & R. v. 2.
194 § 8—Sess.
35, c 98 § 5

X. *And be it further enacted*, That the commissioners of highways in each town in the counties of Suffolk, Queens and Kings, shall meet within eighteen days after they are chosen, at such place and on such day as they may agree upon, and as often afterwards as need shall require, and at such place as they may think proper; that each of the overseers of the road-districts respectively shall, within sixteen days after he is chosen overseer, deliver a list subscribed by such overseer, to one of the commissioners of highways of the town in which he is chosen overseer, which list shall contain all the names of the inhabitants who are by this act made liable to work on the highways; and the commissioners of highways, or a majority of them, shall at their next meeting or as soon as may be thereafter, affix to each name on such list respectively, the number of days such person shall work on the highways in the same year, according to the estate and ability of such person; and the commissioners, or a majority of them, shall, after subscribing their names to such list, cause them without delay respectively to be delivered to each of the overseers who returned the same, or to their successors in office: *Provided always*, That if the name of any person shall be left out of such list by the overseer, or there shall be an accession of new inhabitants, such persons whose names are omitted, or shall move into the town, shall from time to time be added to the said list, and the persons be rated by the said commissioners to work on the highways. And the commissioners are hereby authorised whenever it shall become necessary in the opinion of any overseer of any district, to re-assess the inhabitants of such district who are liable to work on the highways, such additional number of days as they may think proper: *Provided also*, That no one person shall be assessed more than thirty days, nor less than one, in any one year.

XI. *And be it further enacted*, That when any person assessed to work on the highways, shall be warned by the overseer of the district where such person resides, to attend on a day and place certain, with such implements, cattle, horses, carriages, plough or sled, as the overseer shall require, and shall neglect or refuse to appear in person, or by an able bodied man as substitute, or to bring with him such implements, cattle, horses, carriages, plough or sled, as required, or shall remain idle or not work faithfully, or hinder others from working, such offender shall for every such offence, forfeit the sum of eighty cents for each and every day he shall so neglect or refuse, or ten cents for every hour of such delinquency; and such overseer is hereby required, within six days thereafter, in every case in which he shall deem the excuse for such neglect or refusal insufficient, to issue his war-

rant under his hand and seal, directed to any constable of the town where such delinquent resides, commanding him to levy such fine on the goods and chattels of such offender; and the said overseer shall be entitled to receive twelve and an half cents for issuing such warrant, and the constable the like fees as are allowed for the like services by the act, entitled "an act for the more speedy recovery of debts to the value of twenty-five dollars," and shall forthwith pay the said fines, together with the twelve and an half cents for such warrant so collected, to the overseer who issued such warrant, and such fine be by him expended in improving the roads and bridges in the district in which he is overseer: *Provided*, That the whole of the cost shall not exceed the sum of three dollars, and that no person shall be required to work on the highways other than in the district in which he resides, nor more than eight hours in any one day.

How recovered.

Proviso.

XII. *And be it further enacted*, That a good and sufficient team, with a cart, waggon, plough or sled, and a competent person to manage the same, shall be esteemed for and in lieu of three days work of one man, and the penalty for refusal or neglect, shall be proportionable, and shall be levied and applied in manner aforesaid.

Teams, &c.
how estimated
K. & R. v. 2.
201 § 24

XIII. *And be it further enacted*, That every free male inhabitant, being above the age of twenty-one years, shall, either in person, or by an able bodied man in his room as a substitute, be obliged to work upon the highways in the district or place where he shall reside, as often as the overseers of the highways of the same district shall direct, not exceeding the number of days he shall be assessed by the commissioners of the same town where he shall reside; and the overseers of the highways in the respective districts in each of the towns in the said counties for which they shall be chosen or appointed, shall from time to time direct when, where, and in what manner the highways and roads in their respective districts shall be cleared, amended and repaired, and oversee and direct how the same shall be done, and shall warn the inhabitants to work upon the highways whenever there shall, in his opinion, be occasion, and shall direct them to bring with them such team, cart, waggon, plough or sled as they may possess, and such other implements as in his judgment shall be most necessary for the mending and repairing the road in his district.

Persons liable
to work on
highways.
K. & R. v. 2.
194 § 8, 10

Their duty
when required
to work

Duty of overseers

XIV. *And be it further enacted*, That any justice of the peace in any town in either of the said counties may order the overseers of the highways of any district in such town, to cause the highways or roads in his district, or any part or parts of them, to be cleared, amended or repaired, whenever it shall appear to such justice to be necessary; and such overseer of the highways shall, within eight days thereafter, warn and set the inhabitants of such district, or such of them as shall not have worked their full number of days, to work upon the said highways or roads, or such parts of them as he shall be so ordered to clear, amend or repair; and if any overseer of the highways shall neglect or refuse to do so, he shall, for every such neglect or refusal forfeit and pay the sum of five dollars, to be recovered with costs in the name of any person who may make complaint thereof, before any justice

Power of justices of the peace over the overseers
K and R. v 2
195. § 11

Penalty on neglect

of the peace in the same county, upon the oath of any credible witness, and the said penalties when recovered, shall be paid to the commissioners of highways of the same town, and be by them applied towards repairing of the highways in the same town.

Penalty for in-
juring or ob-
structing
roads, etc.
K and R. v 2
196 § 14.

How levied

XV. *And be it further enacted*, That if any person shall alter, lessen, or obstruct any highway or road, public landing or watering place, in any town in either of the said counties, without the consent of the commissioners of such town, every such person shall, for every such offence, forfeit the sum of five dollars, to be recovered with costs, in the same manner as in the preceding section, before any justice of the peace of such county, upon the oath of any credible witness, and levied of the goods and chattels of the offender, by warrant from such justice, directed to any constable of the town where such offence was committed; and the constable shall pay the same to such justice, who shall pay the said forfeiture to the overseers of the district where the offence was committed, and by him be applied towards repairing the public highways in his district; and in case the person so offending, shall not remove such obstruction within eight days after being notified by the overseer of such district, such person so offending, shall forfeit the like sum of five dollars, for every eight days such obstruction shall remain unremoved, to be recovered in like manner and applied as aforesaid.

Horse paths,
bridle ways,
etc. declared
public high-
ways

XVI. *And be it further enacted*, That all entries upon record of roads in either of the said counties where the terms are ambiguous: such as horse-path, horse-packway or bridle-ways, shall, after the passing of this act, be considered as public highways, and be under the same regulations as the other highways are by virtue of this act: and where the breadth of such roads are indefinite, shall be considered as three rods wide.

Timber for
roads how pro-
cured
K and R. v 2
201. § 22

XVII. *And be it further enacted*, That the overseers of the several towns in the said counties, (except on the highways leading from the port of Sag-Harbour to the town of Easthampton) may lawfully cut and use for improving the highways and bridges, any timber that may be found growing on the highways, in any part of the town for which he is overseer, and all such timber, as shall not from time to time be so cut and used, shall be and remain the sole property of the owner of the land adjoining the said highways.

Trustees of
Southampton
may enclose
Shenicoc
plains
K and R. v 2
195. § 13

Proviso, as to
swinging
gates

XVIII. *And be it further enacted*, That the trustees of the freeholders and commonalty of the town of Southampton, in said county of Suffolk, may, whenever they deem it necessary, inclose within fence the tract of land, or plains called Shenicoc plains, within the said town, at such places as they shall think the most convenient: *Provided*, That the said trustees shall cause to be maintained on every public road running through the said plains, so to be inclosed as aforesaid, one or more good and sufficient swinging gates as may be necessary and convenient for the public; and whoever shall injure any fence so put up, or leave or fasten open, or injure or fasten up, any gate so put up or provided as aforesaid, shall, for every such offence, forfeit a sum not exceeding twelve dollars and fifty cents, to be recovered with costs, before any justice of the peace, the one moiety whereof, shall go to the overseers of the poor of said town, for the use of the poor

thereof, and the other moiety to the person who shall sue for and recover the same; and the said trustees may also inclose the beach and meadows called Hog-Neck beach, by fencing across the same at such places as they may think proper: *Provided however*, That they shall maintain sufficient gates at every place where they may fence across the said beach, for travellers, teams and carriages, and if any person shall injure or leave open any of the said gates, or break down the fence adjoining the same, every such person shall, for every such offence, forfeit and pay five dollars to be recovered and applied as aforesaid.

Further proviso

XIX. *And be it further enacted*, That if any person shall wantonly damage any road, bridge or cause-way, or fence across any road or highway, in any of the said counties, or erect or set any gate thereon, or put or leave in any of them any unnecessary obstruction without leave of the said commissioners; or if any person shall leave the carcass of any beast, or any broken carriage, in any road or highway, for any longer time than may be necessary to remove the same, or set up in or near any road or highway any thing by which horses are usually affrighted, or shall, by any improper conduct or behavior, affright any horse or traveller on any road or highway, every such person shall for every such offence, forfeit and pay to the overseer of the highways of the district where the offence shall be committed, the sum of five dollars, to be recovered with costs of suit by action of debt, before any court having cognizance thereof, and when recovered, shall be applied to repairing and improving the roads or highways within such district, in such manner as the overseer of the highways shall think best.

Penalty for wantonly damaging roads, bridges, etc.
K and R. v 2
190. § 14

How recovered and applied

XX. *And be it further enacted*, That where any highway has been laid out by commissioners of any of the towns in either of the said counties, and entered in the records of the county or of any town, such record shall be good and lawful evidence of such highways, although it does not appear on said record that the said highway has been approved of by the court of sessions in said county, any former law to the contrary notwithstanding.

Certain records of roads declared good evidence

XXI. *And be it further enacted*, That whenever the board of supervisors in either of the counties of Suffolk, Queens or Kings, shall deem it necessary to raise money for erecting or repairing any necessary bridge or bridges in any town in their county, they are hereby authorised and required to direct such sum of money to be raised in such town, as will be sufficient to erect or repair such bridge or bridges as they may think proper; which money shall be levied, collected and paid at the same time and in like manner as the contingent charges of said county are, and shall be paid to the commissioners of highways in such town in which it is to be expended, on the order of the supervisor thereof: *Provided*, That the supervisors shall not direct to be levied and raised, in any town, a sum exceeding forty dollars in any one year; and the commissioners of said town shall immediately cause the said money, or so much thereof as they, or a majority of them, shall judge necessary, to be laid out in making and repairing bridges in said town, which is to be done under their direction, by such person or persons as shall by them, or a

Supervisors to raise certain monies for erecting and repairing bridges.

Proviso

majority of them, be appointed for that purpose; and the said commissioners who have received such money, shall yearly lay their accounts before the town-clerk, supervisor and justices of the peace of such town, and they shall examine and audit the same, at the same time they shall examine and audit the accounts of the overseers of the poor of such town; and if any of said money remains in the hands of said commissioners not expended, it shall thereafter be by them laid out in making and repairing the bridges in such town, where found necessary, by the said commissioners; and every of the said commissioners shall, within fifteen days after the termination of their respective offices, and where they are not re-elected, pay such sum remaining in their hands as aforesaid, to their successors in office, to be by them laid out in the same manner as herein is before directed.

Roads used for more than 20 years before March 21, 1797, declared public highways.

XXII. *And be it further enacted*, That where any road, in either of the said counties, shall have been used as a public highway for twenty years or more, next preceding the twenty-first day of March, one thousand seven hundred and ninety-seven, the same shall be taken and deemed as a public highway, although no record thereof has been made in the office of the clerk of the county, or in any town, unless the said road shall have been exchanged or altered agreeable to provisions of the fourth section of this act; and that it shall be the duty of the commissioners to order the overseers of highways to open all such roads, to the width of three rods at least, which they shall judge to have been used as public highways for twenty years preceding the said twenty-first day of March, one thousand seven hundred and ninety-seven.

Commissioners to settle disputes as to road districts.

XXIII. *And be it further enacted*, That the commissioners of highways, in every case where disputes shall arise concerning any road-district, shall, on application to them by the overseer of such district, meet together and settle such dispute, and their determination in the premises shall be final.

Certain acts and parts of acts repealed.

XXIV. *And be it further enacted*, That the act, entitled "an act to regulate highways in the counties of Suffolk, Queens, Kings and Richmond," passed April the second, one thousand eight hundred and one, and the several acts or parts of acts amendatory thereof, and also the act, "laying out and regulating roads in the town of Shelter-Island," passed the third day of April, one thousand eight hundred and four, be and the same are hereby repealed.

[*Note.*—With regard to highways, the counties of Suffolk, Kings and Queens, claimed the early attention of the Colonial Legislature.—On the 29th November, 1745, an act was passed, regulating highways in Kings, Queens, Richmond and Orange counties—*Vide* V.S. v. 1. 262.—and several other acts were afterwards passed. Anterior to this period, certain *temporary* acts were passed on the same subject, but it is not deemed necessary to furnish their titles, dates, &c. in detail, they having long since *expired*, (the subjects to which they refer having undergone considerable alteration) and being likewise, in their nature, *local*, and not of general concern.]

CHAP. LIV.—(R.L.)

An ACT to regulate Highways in the County of Richmond.

Passed April 5, 1813.

[V.S. v. 1. 262.—K.&R. v. 2. 197.—Sess. 31. c. 87.—Sess. 35. c. 98.]

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the freeholders and inhabitants of the county of Richmond are hereby authorised, at their annual town-meetings for electing town-officers, to elect three freeholders in each town, to be commissioners for laying out and regulating highways; and also as many freeholders in each town, as the majority of the freeholders and inhabitants, then assembled, shall think necessary, to be surveyors and overseers for the mending, repairing and keeping in order the several highways in the respective towns for which they shall be elected; and the persons so elected, as well as the commissioners who are to regulate and lay out highways, as those elected to be overseers and surveyors thereof, are hereby required to take the respective offices upon them; and in case of the death or removal of any of the commissioners or overseers aforesaid, it shall be lawful for two justices of the peace, living in the town, and in case there should be but one, then the next justice to the said town, in conjunction with the justice in the town, to appoint some fit person to execute the office of commissioner, or overseer, as the case may require, until a new election shall be made at the next annual town-meeting; and every such commissioner or overseer so appointed as aforesaid, shall have the same powers, and be liable to the same penalties, as if chosen at such town-meeting.

Inhabitants of Richmond county annually to elect commissioners and overseers of highways. K&R. v 2, 197 § 17

II. *And be it further enacted,* That when any new road is to be laid out in any town in the said county, or any road already laid out requires to be altered, the commissioners of such town or the major part of them, with one or more of the commissioners from each of the other towns in the said county, are hereby authorised to lay out all such public roads or highways as they or the major part of them shall think necessary; and also to take a view of the roads already laid out; and if any of them shall appear inconvenient, and in their opinion an alteration absolutely necessary, they may alter the same, and lay out such other public highways as they or the major part of them shall think convenient; and if they find upon view, any of the above roads are lessened or blocked up, they may open the same to such width as they shall think proper, not exceeding three rods, nor less than two; and if any of the roads lessened or blocked up as aforesaid, shall run between the land of two persons, and a dispute shall arise, which of them hath encroached upon the road, the said commissioners shall hear their respective allegations and proofs, and give their judgment thereon, as they or the major part of them shall think equitable and just, being first sworn in the words following, viz.—“You shall well and truly try this matter in dispute between A. B. & C. D. respecting the road

Commissioners how to lay out and alter roads. K. & R. v. 2. 197. § 18. Sess. 31 c. 87 Sess. 35. c. 98 § 9.

Disputes concerning encroachments, how settled.

Oath of those who are to settle the dispute

Remedy by purchaser against seller in certain cases.

Proviso, commissioners to pay for lands taken for roads.

Disputes, etc. how settled.

When and how a jury to be called to enquire, etc.

Damages and costs how paid.

running between them, and give a true judgment thereon according to evidence, so help you God." And shall open and lay out the said highway agreeable to their decision thereon ; and when any roads so opened as aforesaid, shall take away lands from any person which were actually measured to him as part of the land by him purchased, and which was, before such sale, laid out as a public road, the possessor of such lands shall have his remedy against the person or persons they respectively purchased from : *Provided always*, That nothing in this act relating to the said county shall extend or be construed to empower the commissioners aforesaid to lay out any road through the lands or meadows of any person without paying to him or them the true value of the lands so to be laid out into a highway or road, with such damage as he shall sustain thereby ; and in case of public highways or roads, if any dispute shall arise respecting the value of the land, or the necessity of laying out such road, the said commissioners shall in such case, deliver all their proceedings, signed by them, or a majority of them, to the supervisors of the said county, at their next meeting thereafter, who, after examining the same, and hearing the objections, if any, shall approve or reject the same, as it shall appear to them, or a major part of them, to be reasonable or necessary, and may agree with the owner or owners for the value of the land and damages ; and if it shall happen that the supervisors shall be equally divided in their opinion, in that case they shall call to their assistance the first judge of the said county, who, agreeing with either side, shall determine ; and if the same be approved and confirmed, the said supervisors shall cause the same, with their proceedings thereon, to be entered in the county records, and the county clerk is hereby required to enter the same ; and the supervisors shall then endeavor to agree with the owner or owners of the lands, respecting the value thereof and the amount of damages ; and if they cannot agree, the same shall then be determined, and the true value set and appraised by the oath of twelve freeholders not having any interest in the land, the said freeholders to be summoned by the sheriff of the said county, by virtue of a warrant, to be issued by any one justice of the peace of the said county, who shall attend at the time and place mentioned in the said warrant, and swear the jury, and set with them upon hearing the parties, and swear the witnesses, but shall not give his vote with the said jury in assessing the said value and damages, but if no controversy shall arise about the necessity of laying out such public highway, then the said commissioners shall report the same to the supervisors at their next meeting ; and the said supervisors shall then endeavor to agree with the owner or owners of the land, over which such highway shall be laid out, for the value of the land and damages ; and if they cannot agree, the same shall be determined by a jury in the manner aforesaid ; and in all cases of public highways so laid out or altered as aforesaid, the value of the lands and damages, whether agreed on as aforesaid, or assessed by a jury, together with the charges of the commissioners, and of the jury, if there be a jury, and of the whole proceedings thereon had, shall be levied and paid in like manner as the other contingent charges

of the county ; and every highway so laid out shall be a common public highway ; but if the road laid out be for the private use or benefit of any particular person or persons, then the said commissioners shall hear and determine all disputes concerning the necessity of such private road, and the value of the land, damages and charges aforesaid, shall be paid by the person or persons who desire the same to be laid out, and the road to be for the only proper use of such person or persons, and their heirs and assigns, who shall pay for the same ; and in case the person or persons applying for such private road, cannot agree with the owner or owners of the land over which such private road shall go, respecting the value of the land and damages, then the same shall be assessed by a jury in the manner above directed: *Provided however*, That the person through whose land the road shall be so laid out, his heirs or assigns, shall not be debarred from crossing or using the said road: *Provided further*, That it shall not be the duty of the commissioners of highways to attend to lay out any new highway or road, or to alter those already laid out, except by the request of twelve freeholders of the town where the road is proposed to be laid out, in writing, to be produced to the commissioners when notified: and that nothing herein contained shall prevent the commissioners in their respective towns to alter and regulate road districts whenever it shall be necessary, and it is hereby made the duty of the commissioners to regulate the same ; and the commissioners for making the assessment and regulating road districts shall be excused from working on the roads two days in each year ; and every overseer shall retain in his hands seventy-five cents for each day he shall be actually employed on the highways more than he is assessed.

Private roads
how laid out
and paid for.

Proviso.

Further proviso
Sess. 35. ch.
98. 9.
Commissioners not obliged to lay out roads, etc. unless twelve freeholders request it.
Road districts may be altered.

Compensation to overseers.

III. *And be it further enacted*, That the commissioners of highways for each town in said county shall meet on the third Saturday after the annual town-meeting, at the place of town meeting ; that each of the overseers of the road districts, respectively, shall, on or before that day, deliver a list subscribed by such overseer to either of the commissioners of the town of which he is overseer, which list shall contain the names of all the inhabitants in such road district who are liable to work on the highways, and the said commissioners, or a majority of them, shall affix to the names of each person mentioned in such lists respectively, the number of days which such person shall be liable to work on the highways in the same year, to be determined by the said commissioners, in proportion to the estate and ability of each person, and the commissioners shall thereupon cause a copy to be made of such list, and after the said commissioners, or a majority of them, shall subscribe the copies of such list, cause the same respectively to be delivered to the overseers of the town who returned the same in the manner herein before mentioned, or their successors in office, and shall cause the original to be filed in the office of the town-clerk of the same town: *Provided always*, That if the name of any person shall be left out of such list, or there shall be an accession of new inhabitants, such persons whose names are omitted, or shall move in the

Commissioners when and how to meet
Sess. 35. c 98
sec. 1
Duty of overseers of road districts.

Number of days for each person to work on roads

List how disposed of.

Proviso as to names of persons omitted in the list.

Further pro-
viso.

Description of
persons bound
to work on
highways
Sess. 35 c 98
sec 2
Proviso.

Commutation
allowed, and
rate thereof
Sess. 35, c 98
sec. 3

When a se-
cond assess-
ment may be
made, the first
being defi-
cient.
Sess. 35. c. 98
sec. 4

Time for every
four neglect
in working on
highways
Sess. 35 c 98 § 5

Here is some
mistake, the
8th section of
the act in K.
& R. v. 2. 194
was the sec-
tion probably
referred to,
but that section

Duty of over-
seers of high-
ways in ren-
dering ac-
counts.
Sess. 35. c 98
§ 6.

town, shall, from time to time, be added to the said list, and the persons be rated by the said commissioners to work on the said highways: *Provided also*, That no person shall be assessed more than ten days, nor less than one day in one year. *And further*, That not less than two thirds of the days so assessed shall be worked out in each district before the fourth day of July in every year.

IV. *And be it further enacted*, That all freeholders and all free male inhabitants, being above the age of twenty-one years, shall be assessed to work on the public roads and highways: *Provided however*, That all ministers of the gospel and priests of every denomination whatsoever, and every old, lame, superannuated person or persons, not of ability to commute, shall be exempted from working on the highways.

V. *And be it further enacted*, That every person subject by the preceding section, to work on the highways, other than an overseer of highways, and who shall be assessed in manner aforesaid, shall work the whole number of days he or she shall be so assessed, or commute for the same at and after the rate of sixty-two and an half cents for each day, which money shall be paid to the overseer of the highways of the district in which the person paying the same shall reside, to be by the said overseer applied and expended in the improvement of the roads and bridges in the same district.

VI. *And be it further enacted*, That when it shall happen that a greater quantity of work is required to keep in repair the said roads, than has been rated on the inhabitants in any of the road districts in any town of said county, by the commissioners, at their annual town-meeting, agreeable to this act, then and in such case it shall be lawful for the overseers of roads in each district, and they are hereby required to make out another assessment in the same proportion as near as may be, not to exceed one fourth of the number of days assessed before in the same year.

VII. *And be it further enacted*, That every person assessed to work on the highway, and who shall be warned to work, and shall appear in person, or by an able bodied man as a substitute, shall actually work eight hours in each day, and shall be liable to be fined in the sum of nine cents for every hour such person or substitute shall be in default, to be recovered and expended in like manner as the penalty for refusing or neglecting to work when warned, is, by the eighth section of this act, directed to be recovered and expended: *Provided*, That no person shall be liable to the penalty aforesaid, unless the overseer of highways shall give at least twenty-four hours notice of the day and place when and where he is to appear to work on the highway.

but that section is not incorporated in this act—See that act, and the 5th § of c 93 sess. 35

VIII. *And be it further enacted*, That each overseer of the highways, to be chosen or appointed hereafter, shall, on the last Saturday in March, within the year for which he is elected or appointed, render an account in writing to the clerk of the town of which he is overseer of all persons assessed to work on the highways in the district of which he is overseer, of all those who

have actually worked on the road or highways, with the number of days they have so worked, of all those who have been fined, and the sums which they have been fined, of all those who have commuted, of the manner in which the monies arising from fines and commutations have been expended, and shall pay to the town-clerk all monies remaining in his hands unexpended, to be applied in making and improving the roads and bridges in said town, and if any overseer shall neglect or refuse to render such account, or having rendered such account, shall neglect or refuse to pay any balance which may then be payable by him, he shall forfeit the sum of fifteen dollars, to be recovered by the town-clerk or his successor in office, in his own name, by action of debt in any court having cognizance thereof, with costs of suit, and the forfeiture so recovered shall be applied in manner aforesaid.

and in paying
over fines,
etc received
by him.

Penalty for
neglect.

IX. *And be it further enacted*, That every overseer of highways who shall neglect or refuse to warn the people assessed to work on the highway, to come to work with such implements, carriages, and horses or cattle, as may be necessary, when required so to do by the said commissioners, or either of them, or to collect the monies that may arise from fines or commutations, or to perform any of the duties and services required by this act, he shall forfeit the sum of five dollars, to be recovered and applied as in and by the last preceding section is directed.

Penalty on
overseers of
highways who
neglect to
warn the peo-
ple assessed
Sess. 35. c 93
§ 7.

X. *And be it further enacted*, That it shall be the duty of the town clerk on or before the first Tuesday in October in every year, to render an account certified by him to the supervisor of the town of all monies he has received from the overseers or for fines, and the town-clerk shall pay over all such monies in his hands upon the order of the supervisor of the town, which monies shall be applied and expended in making and repairing the roads and bridges of said town.

Duty of town
clerk.
Sess. 35. c 93
§ 3.

XI. *And be it further enacted*, That if any person within the said county, shall alter, close or lessen, or shall wantonly damage any road, bridge or causeway, or fence across any road or highway in the said county, or erect or set up any gates thereon, or put or leave in any of them any unnecessary obstruction without leave of the said commissioners, or if any person shall leave the carcase of any beast, or any broken carriage in any road or highway for any longer time than may be necessary to remove the same, every such person shall for every such offence, forfeit and pay to the overseers of the highways of the district where the offence shall be committed, the sum of five dollars, to be recovered by the said overseer of the highways, with costs of suit, before any justice of the peace, upon the oath of any one credible witness, and levied by warrant from any justice of the peace directed to the constable of the town where such offence is committed, by distress of the goods and chattels of the offender; and the said constable, after six days notice shall be given by him of the time and place of sale, shall make sale thereof, and out of the product of such sale pay the said forfeiture and charges, and return the overplus (if any there be) to the owner thereof, which said forfeiture of five dollars shall be applied by the overseer of the high-

Penalty for
altering or
obstructing
any road or
bridge, or
leaving nuis-
ances there-
on.

K. & R. v 2
190. § 19

How recover-
ed and ap-
plied.

ways towards repairing the public roads or highways within the town where such forfeiture shall arise.

Width of
roads.
K. & R. v. 2.
200. § 20.

XII. *And be it further enacted*, That all common public roads or highways which shall be hereafter laid out by the aforesaid commissioners in the said county shall not exceed three rods in breadth, nor be less than two; and where any private road for the particular use and benefit of any person as aforesaid, shall be laid out through the land or meadow of any person, it shall not exceed the breadth of twenty feet.

Roads, how
and by whom
to be cleared
and maintain-
ed.
K. & R. v. 2.
200. § 21
Sess. 55. ch.
98. § 5.

XIII. *And be it further enacted*, That the inhabitants of the towns in the said county in which any public roads or highways do run, or shall be hereafter ascertained or laid out, shall clear and maintain the same by draining, banking, cutting or stubbing the brush, carrying off the stones, and also the limbs of trees hanging over the said roads to be lopped and carried off, or the trees cut down, as the same may be necessary; and so often as they or any of them shall have notice from the respective surveyors or overseers of the highways, shall by themselves or servants, clear, level and amend the highways in such place and manner as they shall be directed by the overseers or surveyors respectively, not exceeding six days in the year, nor less than four; and for each day every person shall neglect or refuse to work on the highways as aforesaid, he shall forfeit and pay to the overseer of the highways of the town where he shall reside, the sum of seventy-five cents for every day he shall so refuse or neglect to work; and if the said penalty is not paid within six days after the same shall be incurred, it shall be levied with fifty cents costs, by a warrant, under the hand and seal of the said overseer of the highways, directed to one of the constables of the town where such neglect or refusal happens; and such constable shall levy the same by distress, and sale of the goods and chattels of the offender, and pay the said penalty to the said overseer of the highways, with twelve and an half cents for the said warrant, and retain the other thirty-seven and an half cents for his fees, returning the overplus of such sales, if any there be, to the owner; and the said penalty shall be applied by the said overseer of the highways towards amending and repairing the highways in his district: *Provided always*, That every freeholder and inhabitant whose real and personal property shall not exceed in value the sum of two hundred and fifty dollars, shall not be obliged to work on the said highways more than three days in every year: *And provided further*, That no person shall be liable to the penalty aforesaid, unless the overseer of highways shall give at least twenty-four hours notice of the day and place, when and where he is to appear to work on the highways.

Penalty for
neglect, and
how recover-
ed and appli-
ed.

Proviso.

Further pro-
viso.

Timber for
roads, how
procured.
K. & R. v. 2.
201. § 22.

XIV. *And be it further enacted*, That all trees that stand in the land of any person through which any common public road or highway in the said county is or may hereafter be laid out, shall be for the proper use of the owner or owners of the same, but the owner shall not hinder the public from making use of so much timber which is standing or laying on that road as will amend and repair the highways or road running through that land; and if there should not be sufficient timber on the public

roads to amend and repair the same, or should any other materials for that purpose be necessary, the overseers shall have power to purchase any of the aforesaid materials in the best and cheapest manner they can, and shall carry in their respective accounts to the supervisors, who shall add so much to the respective towns where the same did arise, and be by them raised in the same manner as the other contingent charges are raised and levied.

XV. *And be it further enacted,* That when any highway from any plantation in the said county to any meadow, mill, or common landing place, shall run through the land or meadow of any person, it shall be lawful for every such person, by the approbation of the commissioners as aforesaid, to place and hang good and easy swinging gates on such highways, and keep them in good repair at his own proper costs; and the several gates already standing and allowed, may be approved and continued, or altered, as the commissioners shall judge most convenient.

Swinging gates, on what roads to be erected, and how repaired. K. & R. v. 2, 201 § 23.

XVI. *And be it further enacted,* That if the overseers of the roads and highways in the said county shall require any team, cart, or waggon, and a man to manage the same, the said team, cart, or waggon, shall be esteemed to be for and in lieu of three days work of a single man, and the fine proportionable; and every person when called to work on the roads, shall bring spades, axes and other utensils, as shall be directed and approved of by the surveyors and overseers of the highways respectively.

Teams, etc. how estimated. K. & R. v. 2, 201. § 24

Implements, etc. how supplied.

XVII. *And be it further enacted,* That the commissioners in the said county, or the majority of them, shall, from time to time, enter in writing all the highways or roads by them laid out, altered or closed, and sign the same, and cause them to be entered on the county records; and the clerk is hereby directed to enter the same, unless in case of public roads, where a dispute arises about the necessity of laying out such road, in which case the said commissioners are to return their said proceedings to the supervisors, as is herein before directed; and whatsoever the said commissioners shall do, according to the powers given them by this act, being so entered in the county record, shall be valid to every purpose.

Roads to be recorded. K. & R. v. 2, 202, § 25

XVIII. *And be it further enacted,* That each commissioner in the said county shall take and receive a sum not exceeding seventy-five cents, for every day he shall be employed in laying out and regulating or opening highways as aforesaid, for his care and trouble in doing the business required by this act; and the said commissioners shall transmit their accounts to the supervisors of the said county, at any of their stated meetings, of the number of days they have respectively spent in doing the business required by this act, and the supervisors shall raise the same, with the county tax, which shall be paid by the county treasurer to the commissioners and overseers, upon a warrant from the supervisors, as in other cases, except where the commissioners are paid by private persons as before directed.

Compensation to the commissioners. K. & R. v. 2, 202. § 26

How to be raised.

XIX. *And be it further enacted,* That upon the order of any one justice of the peace, the surveyors or overseers of the several towns in the said county shall, within eight days thereafter, warn and set to work the respective inhabitants and per-

Duty of overseers in warning people when ordered by the justices

K.&R. v. 2.
202 § 27

Penalty for
neglect.

sons liable to amend and repair the highways and roads, which by law they are obliged to repair; and if any of the surveyors and overseers shall neglect or refuse to warn and set to work the inhabitants as aforesaid, and see the said highways and roads amended and repaired, such surveyor or overseer shall, for every such neglect or refusal, forfeit and pay the sum of five dollars, to be recovered before any one justice of the peace of the said county where such neglect or refusal shall happen, which fines shall be applied towards repairing the said highways in such town wherein such fine shall arise.

[*Vide* the note to the act, "to regulate highways in the counties of Suffolk, Queens and Kings," passed April 2, 1813. This act was presented by the revisors as a part of that act, but the legislature separated the subjects, and formed and passed this act.]

CHAP. XXVII.—(R.L.)

An ACT for the Inspection of Flour and Meal, and to establish the Standard Weight of Grain therein mentioned.

Passed March 5, 1813.

[Br. ed. 22, 56.—S.&L. v. 1. 437.—Ibid. v. 2. 3. 118.—V.S. v. 1. 294, 366.—Ibid. v. 2. 537, 608, 643.—J.&V. v. 1. 197.—Ibid. v. 2. 131, 299.—Gr. v. 1. 160.—Ibid. v. 2. 130, 314, 315.—Ibid. v. 3. 319, 449.—K.&R. v. 1. 424.]

Inspectors of
flour to be
appointed.
K.&R. v. 1.
424. § 1.
17 P. 2. c 7.
506 Ed. 6,
c 14
23 H. 8. c 4.
5 El. c 12.
22 Car. 2. c 8.
22 & 23 Car. 2.
c 12.
2 Geo. 2. c 18.
24 Geo. 2. c 56
31 Geo. 2. c 29
etc.
Those in Al-
bany and N.
York to ap-
point deputies

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall, from time to time, appoint an inspector of flour and meal in each of the cities of New-York and Albany, and as many inspectors of flour and meal in each county in this state, as shall appear necessary; and that the inspectors already appointed, shall continue to hold their respective offices during the pleasure of the said council; and it shall be lawful for the inspectors of the said cities of New-York and Albany, by writing under their respective hands and seals, to appoint as many deputies as they shall think necessary to assist them in the execution of their office, and to displace them at pleasure; and all acts of such deputies shall be performed in the name of their respective principals.

Inspectors to
take an oath.
K.&R. v. 1. 424
§ 2

Oath,

II. *And be it further enacted*, That the inspectors, and each of their respective deputies, who shall be appointed in pursuance of this act, before they enter upon the execution of their respective offices, shall take the following oath or affirmation, before one of the judges of the court of common pleas, or if in the cities of New-York or Albany, before the mayor or recorder thereof, viz: "I, A. B. do swear (or affirm) that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office and duty of inspector and examiner of flour and meal, according to law."

Inspector in
N.York to ap-
point a deputy
in Kings coun-
ty.

III. *And be it further enacted*, That the inspector, appointed agreeably to this act, for the city and county of New-York, may execute and perform the duties of his office in the vicinity of

New-York, and shall appoint a deputy in Kings county, to inspect all flour and meal manufactured for exportation in the said county; which flour and meal, so inspected, may be exported from the said county, and from any other part of this state, in like manner as if the same had been inspected in the city of New-York.

K and R. v 1
424. sec 3.

And flour in-
spected in
Kings county
may be ex-
ported.

IV. *And be it further enacted*, That no wheat-flour, rye-flour, Indian meal or buckwheat meal, shall be shipped for exportation out of this state, before the same shall have been submitted to the view and examination, and approved of and branded, by one of the inspectors aforesaid; and it shall not be lawful for such inspector to brand any cask containing Indian meal, unless the same shall have been made of corn properly kiln dried, and shall be ground fine and bolted.

Wheat-flour,
rye-flour, and
Indian and
buckwheat
meal, to be in-
spected.

K & R. v 1. 424
§ 4
3 Caines' Rep.
207.

Casks of Indi-
an meal when
to be branded.

V. *And be it further enacted*, That all wheat-flour, rye-flour, Indian meal or buckwheat meal, manufactured for exportation as aforesaid, shall be packed in good and strong casks, made of seasoned oak, or other suitable timber, each cask whereof shall be hooped with at least ten hoops, three of which hoops shall be on each chime, and properly nailed; which said casks shall be of but two sizes, one size whereof shall contain one hundred and ninety-six pounds of flour or meal, with staves of twenty-seven inches long, and each head sixteen inches and one half diameter; the other size whereof shall contain ninety-eight pounds of flour or meal, the staves whereof may be twenty-two inches long, and each head fourteen inches diameter, or the staves may be twenty-seven inches long, and each head not to exceed twelve inches diameter; both which sizes of casks shall be made nearly straight for the convenience of stowage, and the tare of said casks respectively shall be marked on one head with a marking iron: *Provided nevertheless*, That nothing in this act shall be construed to prevent the packing of Indian meal in hogsheads for exportation, which shall contain eight hundred pounds, and be duly inspected and branded; and each cask of flour and meal packed as aforesaid, shall be branded with the initials of the christian name and surname of the manufacturers thereof, at full length, together with the net weight of flour or meal which shall be contained in each cask, except hogsheads of Indian meal, on which the net weight only shall be branded; and on each cask of wheat-flour intended for the first quality, shall be branded the word "*superfine*," and on each cask intended for the second quality, shall be branded the word "*fine*," and on each cask intended for the third quality, shall be branded the words "*fine midling*," and on each cask intended for the fourth quality, shall be branded the word "*midlings*;" and on each cask of rye-flour intended for the first quality, shall be branded the words "*superfine rye-flour*," and on each cask intended for the second quality, shall be branded the words "*fine rye-flour*;" and on each cask of Indian meal, shall be branded the words "*Indian meal*;" and on each cask of buckwheat meal, shall be branded the word and letter "*B. meal*," before either respectively shall be offered for inspection; and the manufacturer or owner of any flour or meal

Size and qua-
lity of flour
and meal
casks.

K & R. v 1, 425
§ 5.

Proviso--casks
containing dif-
ferent quali-
ties how bran-
ded.

Penalty on taring casks less than the true weight.

put up in a cask or casks, shall be and hereby is made subject to a penalty of fifty cents for every pound each such cask is tared less than the true weight thereof; and any inspector of flour or meal, having reason to suspect such cask or casks to be falsely tared, may ascertain the same by a suitable examination thereof.

Inspectors to examine flour and meal, and how to brand the casks containing the same.
 § 5 and R v 1 425 § 6

VI. *And be it further enacted*, That it shall be the duty of the said inspectors upon application to them made, to examine and determine the quality of such flour and meal, and on each cask made and branded, and the flour or meal packed therein agreeably to this act, he shall then, and not otherwise, brand the initial letter of his christian name and his surname at full length, together with the name of the county where the same is inspected, on the quarter in a distinguishable manner; and in all cases where the brands describing the quality of flour or meal shall not in his judgment be branded according to its respective kinds and qualities, he shall alter the same so as to describe the real quality according to the true intent and meaning of this act; that it shall

To correct erroneous brands.

And to weigh casks suspected to be light and to brand them.

Compensation to inspectors therefor.

Penalty on the manufacturer.

be the duty of the inspector from time to time to weigh such casks of flour and meal, as he or they shall suspect of being too light, and if found not to contain the just and true weight, to mark or brand the same on the head with the word "*light*," and for each cask which he or they shall so mark or brand with the word "*light*," such inspector shall be entitled to, and receive from, the owner or shipper of such flour or meal, for his trouble of weighing the same; that is to say, for every barrel or half barrel, the sum of twenty cents; and for each hogshead, forty-five cents; and every cask of flour or meal which shall not contain the full weight branded thereon, the manufacturer thereof shall forfeit and pay for every pound weight of flour or meal so deficient, the sum of twenty cents; and on all flour or meal injured in manufacturing, or otherwise damaged, so as not to be fit for exportation under any of the herein before enumerated qualities in the judgment of said inspector, he shall mark or brand on the same the word "*bad*" only, and the flour or meal marked or branded "*light*" shall not be shipped out of this state under the penalty of five dollars for every cask so marked or branded, to be recovered in any court having cognizance thereof by action of debt, by any person who shall prosecute for the same, and for the trouble aforesaid, the said inspector shall be entitled to receive two cents for each and every cask of flour or meal, and four cents for each and every hogshead of Indian meal he shall so inspect or examine, to be paid him by the owner or possessor of such flour or meal, who shall charge the buyer or purchaser of such flour or meal, with one half of the amount of such inspection, over and above the price of such flour and meal; and the said inspector in the city of New-York, shall allow and pay to his deputy or deputies in said city as follows; that is to say, when only one deputy is employed therein, thirty-three and one third per cent of the net amount of the fees and emoluments to which the said inspector is entitled by virtue of this act; and when two deputies are employed therein, twenty-five per cent of the same to each of them.

Penalty for exporting flour or meal marked "*light*"

Inspector's compensation for examining, &c.

Deputies in N. York to be paid, if one only, one third of inspector's fees, and if two, one quarter each.

VII. *And be it further enacted*, That all flour and meal purchased for exportation shall be inspected as aforesaid, at the time and place of such exportation ; and if any purchaser of flour or meal for exportation shall not have the same inspected as aforesaid at the time and place of such exportation, such purchaser or exporter shall forfeit and pay for every cask of flour or meal, five dollars, although the said flour or meal may have been inspected and branded any time previous to such purchase.

Penalty for exporting flour or meal not inspected at the place of exportation.
K & R. v. 1. 425 § 7

VIII. *And be it further enacted*, That if any person shall lade or attempt to lade on board any vessel, with intent to ship or export the same direct out of this state, any flour or meal not branded as aforesaid by one of the inspectors, such person shall forfeit the same ; and if any person shall have exported any flour or meal out of this state not branded by one of the inspectors as aforesaid, such person shall forfeit and pay the sum of five dollars for every cask of flour or meal so exported.

Penalty for shipping or exporting flour or meal not branded.
K & R. v 1. 427 § 8

IX. *And be it further enacted*, That it shall be lawful for any inspector of flour and meal, to enter on board of any vessel between sun-rise and sun-set, to search for flour or meal that he may have reason to suspect has been shipped contrary to the true intent and meaning of this act ; and if any person shall hinder or interrupt any such inspector in so entering on board and searching, every such person shall forfeit and pay one hundred dollars, to be recovered in any court having cognizance thereof, one half to the use of the overseers of the poor in the city or town where the offence may happen, and the other half to the person prosecuting for the same.

Inspectors authorised to search vessels.
K & R. v 1. 427 § 9

Penalty for interrupting such search.

X. *And be it further enacted*, That no inspector of flour or meal, shall purchase any flour or meal, other than for his own private use, under the penalty of five hundred dollars ; and if any person shall alter or counterfeit any of the aforesaid brand-marks, whether state or private, such person shall forfeit for every such offence, the sum of one hundred dollars ; and that if any person shall put any flour or meal in any empty cask for sale which has been branded by the inspector before such cask was emptied, without first cutting out the said brands, such person shall for every cask so re-packed, forfeit and pay the sum of five dollars ; and that every person offering for sale any flour for wheat-flour, which shall be found upon examination to be or contain a mixture of Indian meal, or any other mixture, such person shall forfeit and pay for every such cask so mixed, the sum of five dollars, and the flour shall be liable for the payment thereof ; and if any person having charge of any vessel, shall transport into the city of New-York any Indian meal upon the deck of such vessel, the master, owner, or person having charge of every such vessel, shall forfeit and pay twenty cents for every barrel, and eighty cents for every hoghead of meal so transported as aforesaid.

Inspectors not to purchase flour, etc. except for their own use.
K & R. v 1. 427 § 10

Flour, etc. not to be put in empty casks before branded.

Nor mixed flour, etc. to be offered for sale.

Penalty.

Nor shall Indian meal be transported into N. York on the decks of vessels.

Penalty.

XI. *And be it further enacted*, That all such fines, penalties and forfeitures as aforesaid, not herein otherwise directed to be collected, shall be recoverable before any justice of the peace or in any court of record in this state having cognizance thereof, by any person who will prosecute for the same ; one third to the prosecutor, and the other two thirds to be paid to the overseers of

Penalties how recovered and applied.
K. & R. v. 1. 427 § 12

the poor of the city or town where the fraud is detected ; and for the more certain and easy recovery of the penalties for the false tare or brand-mark upon any cask of flour or meal, it shall be lawful for the inspectors thereof, to seize and sell the same, and out of the net proceeds retain such penalty or penalties ; one half for his own use, and the other half to the overseers of the poor in the city or town where the same may be recovered, to the use of the poor thereof, and pay the remainder to the owner or consignee of such flour or meal.

Inspectors to report annually to the legislature.

XII. *And be it further enacted*, That the several inspectors of flour and meal in this state shall annually hereafter, on the fifteenth day of February, report to the legislature the quantity of flour and meal which shall be inspected by them respectively.

Standard wt. of wheat, rye, and Indian corn, declined. Gr. v. 2. 181 Sess. 11 c. 58 § 7 12 H. 7. c. 5 22 Car. 2. c. 8 22 A. 13 Car. 2 c. 12—5 W. & M. c. 17 § 18

XIII. *And be it further enacted*, That the standard weight of wheat sold in this state, shall be sixty pounds net to the bushel, and the standard weight of rye and Indian corn, from and after the first day of September next, shall be fifty-six pounds net to the bushel : and in all cases of sales of wheat, rye, or Indian corn by the bushel, if the same shall exceed the standard weight, the buyer shall pay a proportionably greater price ; and if the same shall be less than the said standard, the buyer shall pay a proportionably less price : *Provided*, That this regulation shall not extend to any special contracts respecting sales of wheat, rye, or corn, whatever may be the weight thereof.

Provisions to special contracts.

CHAP. XXVIII.—(R.L.)

An ACT for the Repacking and Inspection of Beef and Pork.

Passed March 12, 1813.

[S.&L. v. 1. 279, 324—V. S. v. 1. 207, 208, 238—Ibid. v. 2. 609, 643—J.&V. v. 2. 293—Gr. v. 2. 124, 128, 313, 418—Ibid. v. 3. 485—K.&R. v. 1. 452, 461—W. v. 3. 630—Ibid. v. 4. 66—Ibid. v. 5. 287.]

Repackers and inspectors of beef and pork to be appointed. W v. 3. 630 § 1

[Acts of parliament concerning beef and pork—their importation, etc. 12 ar. 2. c. 2 20 Car. 2 c. 7 12 Car. 2 c. 4 22 Car. 2. c. 13 3 W&M. c. 8

Duty of repackers. W v. 3. 630 § 2

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, to appoint not more than ten repackers and inspectors of beef and pork for the city and county of New-York, and one or more for each of the other counties in this state, as shall from time to time be necessary ; and also one inspector in the city of New-York, to inspect and put up beef killed agreeably to the rites and customs of the people called Jews.

[5. W&M c 5—5 W&M. c 2—3 Geo. 2. c 20—5 Geo. 2. c 6, etc.]

II. *And be it further enacted*, That the repackers to be appointed by virtue of this act, shall provide themselves with good and sufficient stores or yards, capable of receiving and storing such beef and pork as may be brought to them for inspection, in such places as will be most accommodating to employers, and best calculated to facilitate their business ; but nothing shall be allowed for storage of any beef or pork inspected by them, if removed and taken away within three days after notice given to the owner or agent of its being repacked.

III. *And be it further enacted*, That all barrels in which any beef or pork shall be repacked, shall be made of good seasoned white oak, or white ash staves and heading, free from every defect; and each barrel shall contain two hundred pounds weight of beef or pork, the barrels to measure seventeen inches and a half between the chimes, and to be twenty-eight inches long, to be hooped with twelve good hickory, white oak or other substantial hoops; if the barrel be made of ash staves, the same shall be hooped with fourteen hoops at least; the staves and heads to be made of good thick stuff, the heads not less than three quarters of an inch thick, and each and every stave on each edge, at the bilge, shall not be less than half an inch thick, and at each chime, not less than half an inch thick, when finished; otherwise they shall be condemned by the said repackers, when brought to them respectively; the hoops to be well set and drove, and the barrels to be branded on the bilge, with at least the initial letters of the cooper's name; the half barrels to contain not less than fifteen, nor more than sixteen gallons, and made in proportion to, and of like materials as, a whole barrel, and to contain one half the quantity of beef and pork of the whole barrel.

Barrels how
to be made
and dimen-
sions thereof
W v 3. 630
§ 3

2 Caines's
Rep. 312

To be branded
Half barrels,
materials and
dimensions
thereof

IV. *And be it further enacted*, That all beef and pork which shall be repacked in, and exported from, the counties of Suffolk, Kings and Queens, may be packed in barrels made of good seasoned red oak staves and heading, of the growth of the said counties respectively, free from sap and every defect, and made otherwise as above directed; and all the said barrels shall be as nearly straight as may be, and without being subject to a re-examination if shipped or exported from the city of New-York.

Barrels how
made in cer-
tain counties
W v 3. 630 § 4

V. *And be it further enacted*, That the repackers so to be appointed, shall examine and sort all beef and pork, which shall hereafter be killed, to be by them repacked, and such only as is well fattened, shall be branded by them; that the best quality of pork shall be denominated mess pork, and shall consist of none but the sides of good fat hogs, and the barrels containing it shall be branded on one of the heads "*mess pork*," and the second quality shall be denominated "*prime pork*;" of which there shall not be in a barrel, more than three shoulders, the legs being cut off at the knee joint, and shall not contain more than twenty-four pounds of head, which shall have the ears and snouts cut off, the snouts cut off to the opening of the jaws, and the brains and bloody grizzle taken out of the heads, and the rest of the pork to constitute a barrel of prime, shall be made up of side pieces, neck and tail pieces; and on one head of every barrel of such pork, shall be branded "*prime pork*;" and the third quality of pork shall be denominated "*cargo pork*," of which there shall not be in a barrel more than thirty pounds of head, and four shoulders, and shall be otherwise merchantable pork, and shall be branded on one head of each barrel "*cargo pork*;" that every half barrel shall contain one half the quantity of the different kinds or qualities of pork of a whole barrel; side pork, so to be repacked, shall be cut from the back bone to the belly, in pieces of about five inches wide, and which in weight shall not exceed twelve, nor be under four pounds, otherwise the barrels containing the same, shall not be branded

Further du-
ties of repack-
ers
W v 3 630, § 5

Mess pork

Prime pork

Cargo pork

as merchantable; in every whole barrel of pork there shall not be less than two and an half pecks of good St. Ubes, Isle of May, or other hard salt of equal quality, and in every half barrel ten quarts.

Beef for exportation to be of fat cattle
W v 3 60 § 6
Their age
How cut up

VI. *And be it further enacted*, That no beef that shall hereafter be killed shall be re-packed in barrels for exportation, unless it be of fat cattle, not under three years old; that all such beef shall be cut into pieces as square as may be, and which shall not exceed twelve, nor be under four, pounds weight; that all beef which city or county inspectors shall find on examination to have been killed at a proper age, to be fat and merchantable, shall be salted and divided into three different sorts for packing and re-packing in barrels and half barrels, to be denominated mess, prime and cargo beef; mess beef shall consist of the choice pieces of such beef as is large and well fattened, without hocks, shanks, clod or necks, and may or may not contain two choice rounds out of the same cattle not exceeding ten pounds weight each, and on one of the heads of each barrel, containing two hundred pounds weight of beef of this description, shall be branded the words "*mess beef*"—that prime beef shall consist of choice pieces of good fat cattle, of which there shall not be more than one half neck, nor more than two shanks, (with the hocks cut off of the hind legs at the smallest place above the joint) in a barrel, and on one of the heads of all barrels and half-barrels, containing beef of this description, shall be branded the words "*prime beef*"—that cargo beef shall be of fat cattle, with a proportion of good pieces, and not more than one half of a neck, three shanks, with the hocks cut off in the same manner as in prime, in a barrel, and to be otherwise merchantable; and one head of each barrel or half barrel, containing beef of this quality, shall be branded with the words "*cargo beef*"—that the re-packers shall not put less than two pecks of good St. Ubes, Isle of May, or other coarse salt, of equal quality, into each barrel of the said beef, together with four ounces of salt-petre, and one half of the said quantities into each half-barrel: *And further*, That the fore-leg of a beef shall be cut off in the knee joint.

Mess, prime and cargo beef
Mess beef of what to consist

Prime beef, of what to consist

Cargo beef, of what to consist

To be branded, and how

Duty of inspector confined to his own county
W v 3 60 § 7
Penalty

VII. *And be it further enacted*, That no inspector, appointed by virtue of this act, shall inspect or brand any cask of beef or pork out of the city or county for which he shall be appointed, under the penalty of twenty-five dollars for each barrel so inspected or branded; and if any person, other than the said inspectors, shall brand any cask of beef or pork, in the manner directed by this act, every person so offending shall forfeit the sum of fifteen dollars for each and every cask so branded.

Inspector's fees
W v 3 630 § 8

VIII. *And be it further enacted*, That every inspector shall have twenty cents for each barrel, and twelve and an half cents for each half-barrel of beef or pork he shall inspect, salt and re-pack; twelve and an half cents for flagging, pegging, nailing, salting and pickling; nine cents for four ounces of salt-petre to each barrel; three cents for each hoop.

Beef and pork to be pickled
W v 3 630 § 9

IX. *And be it further enacted*, That all beef and pork re-packed within this state, shall be pickled with strong good pickle, made of any kind of good clean salt, as much as will dissolve in

good fresh water; and if the barrels and half-barrels shall be larger than the dimensions aforesaid, the same shall be condemned by the re-packer, or to be filled up by him with good pieces of beef or pork, at the expense of the owner, if the owner shall so elect; and on the head of every barrel and half-barrel of merchantable beef and pork, inspected and re-packed as aforesaid, shall be distinctly branded the weight it contains, with the first letter of the christian name and the surname at full length of the inspector who has inspected the same, or both names, at full length, with the words "*New-York city*," if inspected in the city and county of New-York, and the name of the county, and the words "*State of New-York*," if inspected and branded in any other county: *Provided always*, That all beef killed according to the rites and customs of the people called Jews, shall be packed and put up according to the directions of this act, and shall be branded with the additional brand of that society: *And further*, That it shall be lawful to pack and put up the same in ten and five gallon kegs.

2 Caines' Rep
312
To be brand-
ed, and how

Proviso as to
beef for Jews

Further pro-
viso as to kegs

X. *And be it further enacted*, That every of the re-packers, to be appointed by virtue of this act, shall, before he enters on the execution of his office, take the following oath or affirmation, before any justice of the peace: "I, do solemnly swear, or affirm, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office and duty of an inspector and re-packer of beef and pork, or of beef (as the case may be) according to the true intent and meaning of the laws of this state relative to the same, and that I will not, directly or indirectly, brand, or suffer to be branded, any barrels of beef or pork, unless the same shall be of the qualities, and re-packed according to the laws of this state."

Re-packers to
be sworn
W. v 3, 633

Oath

XI. *And be it further enacted*, That the salt manufactured in the counties of Onondaga, Seneca and Cayuga, may be used in packing and putting up beef and pork in the counties of Herkimer, Oneida, Tioga, Cayuga, Onondaga, Seneca, Ontario, Steuben, Chenango, Otsego, Genesee and St. Lawrence, any thing in this act contained to the contrary notwithstanding: *Provided always*, That the quantity of salt for each barrel of pork shall not be less than forty-six pounds weight, and not less than twenty-three pounds weight in each half barrel, and not less than thirty-eight pounds of said salt in every barrel, nor less than nineteen pounds in every half barrel of beef salted therein.

What salt
may be used,
and in what
counties
W. v 3 630
§ 11, 12
W. v 3 287 § 2
March 19 1866
proviso as to
the quantity

XII. *And be it further enacted*, That it shall be the duty of every inspector who shall inspect any beef or pork, that shall be entirely fresh, to put into each barrel not less than twenty-eight quarts of St. Ubes, Isle of May, or other coarse or hard salt: *Provided*, That the provisions in the foregoing clause shall not extend to any such inspectors in any county now included in the western district of this state; but it shall and may be lawful for every such inspector to use the salt manufactured at any of the salt springs in the said district, in putting up beef or pork, in such quantity for each barrel as shall be equivalent to the said quantity of salt of the description above mentioned.

Further duty
of inspectors.
W. v. 3, 287.
sec. 4.

Proviso as to
the western
district.
What salt
may be used.

Penalty for exporting beef and pork not inspected, pickled and branded.
W. v. 3, 633, sec. 14.

XIII. *And be it further enacted*, That if any person or persons shall export or ship for exportation out of this state, any beef or pork, not being inspected, pickled or branded by one of the sworn inspectors as aforesaid, every such exporter or shipper shall forfeit the sum of ten dollars for every barrel so exported or shipped.

Beef and pork imported not subject to re-inspection.
W. v. 3, 633, sec. 15.

XIV. *And be it further enacted*, That all the beef and pork that shall be brought into this state from any other of the United States, and shall be packed and branded agreeable to the laws of the state it comes from, shall not be subject to re-inspection in this state.

Inspectors to report annually to the governor.
W. v. 3, 634, sec. 16.

XV. *And be it further enacted*, That the inspector of each city and county, in the month of June in every year, shall make a return to the person administering the government of this state of the whole number of barrels and half barrels of beef and pork inspected according to the directions of this act, by him the year preceding, designating the different sorts and qualities of beef and pork, and the cities and counties in which the same was packed and inspected.

Inspectors not to buy beef or pork except for their own use, and remnants, &c.
W. v. 3, 634, sec. 17.

XVI. *And be it further enacted*, That no inspector or repacker of beef or pork shall hereafter buy or sell any beef or pork, excepting remnants which may be occasioned by the barrels overrunning or falling short of the weight required by law, except what such inspector may want for his own family consumption.

Fees to inspectors to be paid before removal of beef or pork.
W. v. 3, 634 sec. 18, 19, 20.

XVII. *And be it further enacted*, That all beef and pork inspected, packed, repacked and pickled by the said inspectors, shall be paid for before the same is taken from the stores or yards of the said inspectors and repackers.

Beef and pork not to be exposed to the heat of the sun.
W. v. 3, 635, sec. 21.

XVIII. *And be it further enacted*, That no owner or dealer in beef and pork shall suffer the same, after inspected, to be exposed to the heat of the sun or inclemency of the weather longer than twelve hours, under the penalty of five dollars for every such offence or neglect.

Beef and pork in New-York to be inspected in stores or yards.
W. v. 3, 635, sec. 22.

XIX. *And be it further enacted*, That no beef or pork shall be repacked in any place in the city and county of New-York, except in such store or yard to be provided for the purpose by the said repackers, according to the directions of this act, under the penalty of twenty dollars for every such offence.

Penalties under this act how sued for and applied.
W. v. 3, 635, sec. 23.

XX. *And be it further enacted*, That every of the forfeitures and penalties aforesaid may be recovered, with costs of suit, before any justice of the peace, or in any court having cognizance thereof, by any person who shall sue and prosecute for the same, one moiety of which forfeiture and penalty, when recovered, shall be paid to the overseers of the poor of the city or town where the offence shall have been committed, for the use of the poor thereof, and the other moiety thereof to such person as will sue for the same as aforesaid.

Butchers may put up beef or pork for ship stores.
W. v. 3, 635, sec. 24.

XXI. *And be it further enacted*, That nothing in this act contained shall be construed to prevent any licensed butcher to put up beef in barrels or half barrels, tubs or kegs for ship stores, and in kegs or tubs for exportation: *Provided*, That such beef be put up by the person killing the same, and that the name of such

butcher who shall put up the same, shall be branded on the head of each barrel, half barrel, keg or tub, and the weight it contains.

XXII. *And be it further enacted*, That nothing in this act contained shall be construed to affect or impair the true intent and meaning of the third section of the act, entitled, "An act supplementary to the act, entitled "an act to provide against infectious and pestilential diseases."

This act not to affect the 3d section of a certain act providing against infectious diseases. W. v. 3, 635. § 25

XXIII. *And be it further enacted*, That all former laws so far as they respect the inspection and re-packing of beef and pork, be, and hereby are repealed: *Provided*, That they shall be considered as in full force with regard to all actions and prosecutions which may then be depending for any penalty or forfeiture incurred for the breach of the same, or any of them: *Provided nevertheless*, That nothing herein contained shall prevent the exportation of any beef or pork inspected agreeable to law previous to the first day of September last, any thing in this act to the contrary notwithstanding.

All former inspection laws repealed. W. v. 3. 626. sec. 20.

XXIV. *And be it further enacted*, That the penalties imposed by this act shall not extend to the counties of Tioga, Broome, Steuben, Ontario, Allegany and Genesee.

Proviso

Certain counties exempt from penalties. W. v. 5, 287. § 5.

XXV. *And be it further enacted*, That it shall be the duty of the secretary of this state to transmit to the clerk of each county in this state, copies of such laws as shall from time to time be passed relative to the cutting, salting, inspecting and repacking of beef and pork, without fee or reward, immediately after the same are passed, for the use of each of the said inspectors in said counties; and it shall be the duty of the said clerks respectively, to transmit to each of the said inspectors a copy of the laws so transmitted to them as aforesaid.

Duty of the secretary of state in transmitting copies of inspection laws. W. v. 3. 636. sec. 27.

Duty of county clerks.

XXVI. *And be it further enacted*, That it shall and may be lawful for Joseph Sparrow to preserve beef and pork for exportation, in such manner and in such barrels as he shall deem proper, without being subject to the inspection laws of this state: *Provided always*, That all casks in which he shall pack, cure and put up the said articles, shall be branded with his name at length, and the weight of beef and pork therein: *And provided further*, That he shall, before he proceeds in the said business, take and subscribe the following oath before any magistrate authorised to administer oaths, which oath shall be filed in the office of the secretary of this state: "I, Joseph Sparrow, do solemnly swear, that I will brand all beef and pork put up, cured and packed by me, with my name, and the weight in each cask; that I will not pack up any that shall not be sound and good; and that I will not brand any but such as are cured and put up under my inspection."

Joseph Sparrow permitted to preserve beef and pork without being subject to the inspection laws. W. v. 5. 235. sec. 6.

Required to take an oath.

Oath.

XXVII. *And be it further enacted*, That if either of the said inspectors appointed by virtue of this act, shall be guilty of any neglect or fraud in inspecting any beef or pork, or of offering any fee or reward to owners of provisions or their agents, or any other persons, in order to obtain the profits of inspecting or repacking the same, on any pretence whatever, or shall brand any cask containing beef or pork contrary to the true intent and mean-

Inspectors guilty of neglect of duty and law punished, etc.

Penalty.

ing of this act, or which has not been actually inspected agreeable to the laws of this state, he shall, for every such fraud, or for branding every such cask, forfeit and pay the sum of ten dollars.

Intermixing,
taking out, or
shifting beef
or pork, etc.
how punish-
ed.

XXVIII. *And be it further enacted*, That if any person shall intermix, take out, or shift any beef or pork of any barrel or cask inspected and branded, as by this act is required, or put into any barrel inspected and branded, any other beef or pork for sale or exportation, or alter the face or change the brand or mark of any inspector, contrary to the intention of this act, the person so offending shall, for every such cask or barrel so altered, shifted, changed, intermixed or branded as afore-said, forfeit and pay the sum of twenty-five dollars.

Penalty.

CHAP. XXXVIII.—(R.L.)

An ACT for the Inspection of Fish.

Passed March 26, 1813.

Inspectors of
fish to be ap-
pointed.

[V. S. v. 2. 616, 696, 758.—K.&R. v. 1. 422.—W. v. 5. 282, 438.]

Sess. 31. c. 59
§1—W. v. 5. 282
2 H. 6. c. 11
23 H. 6. c. 15
31 Ed. 3. st. 2. c. 2
3—22 Ed. 4. c. 2
10 & 11 A7. 3.
c. 24, 25
1 Ann. st. i. c.
21—2 & 3 Ann.
c. 14.
4 Ann. c. 12.
1 Geo. i. c. 18
33 Geo. 2. c. 27
etc. etc.
Inspectors to
provide them-
selves good
stores and
yards, etc.
Sess. 31. ch. 59. §
2—W. v. 5. 282.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the person administering the government of this state, for the time being, by and with the advice and consent of the Council of Appointment, to appoint four inspectors of fish in the city and county of New-York, and as many in each of the other counties in this state as shall appear necessary; and that the inspectors already appointed shall continue to hold their respective offices during the pleasure of the said council.

II. *And be it further enacted*, That the inspectors appointed, or to be appointed, by virtue of this act, shall provide themselves with good and sufficient stores and yards, capable of receiving and storing such fish as may be brought to them for inspection, in such places as will be most convenient to employers, and best calculated to facilitate their business, but nothing shall be allowed for storage of any fish inspected by them, if removed within three days after notice of such inspection is given.

Barrels and
half barrels
for pickled
fish, how to
be made, etc.
Sess. 31. c. 59 §
3—W. v. 5. 282
Sess. 32. c. 5. §4
W. v. 5. 438
2 H. 6. c. 11
22 Ed. 4. c. 2
11 H. 7. c. 23
13 El. c. 11
15 Car. 2. c. 16
5 Geo. 1. c. 18
19 Geo. 2. c. 24
Provido, as to
the putting
up of dry
salted herring

III. *And be it further enacted*, That every barrel or half barrel in which pickled fish shall be packed for inspection, shall be made of well seasoned white-oak, rock-oak, white-ash or pine staves, and heading, free from defect; to have twelve good hoops on them, and to be perfectly tight; the length of the stave for a barrel to be twenty-eight inches, and the distance between the chimes not less than twenty-six inches, and the diameter of the head from stave to stave sixteen and an half inches; and for every half barrel to be twenty-four inches long, and thirteen inches head: *Provided*, That nothing herein contained shall prevent the putting up dry salted herring in barrels, made of red-oak or black-oak, with heads made of pine, of the dimensions aforesaid, the

barrels to have twelve good hickory, white-oak or other substantial hoops, to be nailed, and the hoops to be well set and drove.

IV. *And be it further enacted*, That all fish which shall be inspected or re-packed in, and exported from, the counties of Suffolk, Queens and Kings, may be packed in barrels or half barrels, made of good red or black-oak staves and heading, the growth of said counties respectively, free from sap and every defect, and made otherwise as above directed, and without being subject to a re-examination, if shipped or exported from the city of New-York.

V. *And be it further enacted*, That no fish shall be exported from this state to a foreign market, put up in barrels or half barrels, pickled or dry, salted, unless the same has been inspected and branded agreeable to the directions and provisions of this act.

VI. *And be it further enacted*, That it shall be the duty of every person, who puts up or barrels any fish as aforesaid for exportation, to put one bushel of good salt into each barrel of fish by him so put up, and to brand the same, with the name of the fish contained in the cask, and the initials of his christian name, and his surname at full length, and the name of the place where such fish shall be put up.

VII. *And be it further enacted*, That it shall be the duty of the inspectors, appointed by virtue of this act, to inspect all fish heretofore described, by opening one of the heads of each barrel; and if the same is found to contain sound and merchantable fish, with a sufficient quantity of salt to preserve the same, he shall then brand his name on the head of such barrel, and the place of his residence; and if the fish are found unsound, or not merchantable, the same shall be destroyed by the inspector; and if the barrel is not full, or not salted with a sufficient quantity of salt, that in that case, the said inspector shall fill the same with sound and merchantable fish, or add such quantity of salt as he may deem requisite, as the case may be.

VIII. *And be it further enacted*, That if it shall appear to the inspector, that a part of the fish inspected by him is sound, and a part not, then it shall and may be lawful for said inspector to separate the sound from the unsound, and repack the sound fish, and add such salt or pickle as he may judge necessary, and brand the same as aforesaid; and such fish as the inspector shall judge not capable of preservation, he shall condemn as bad.

IX. *And be it further enacted*, That each and every inspector, under this act, shall be allowed for every barrel of pickled fish he may inspect and re-pack, thirty-seven and an half cents; and for every half barrel, eighteen cents; and for every barrel or half-barrel by him inspected, and not re-packed, twelve and an half cents; and for every barrel, and half-barrel of dry salted fish, twelve and an half cents; and for every bushel of salt used as aforesaid, the market price of salt at the time and place of such inspection.

X. *And be it further enacted*, That any inspector under this act to be appointed, shall, before he enters upon the duties of his office, take and subscribe before a magistrate authorized to take the same, the following oath or affirmation, to wit: I

Fish exported from Suffolk, Queens and Kings, Sess. 31. c. 59, § 4—W. v. 5. 282 may be packed in barrels, etc. of a certain description, and need not to be re-examined if shipped, etc. Fish not to be exported to a foreign market, unless, etc. Sess. 31. c. 59, § 5—W. v. 5. 282

And what salt to be put to them and how branded. Sess. 31. c. 59, § 6—W. v. 5. 282

On inspection, heads of barrels to be opened. Sess. 31. c. 59, § 7—W. v. 5. 282 And if sound and merchantable, then to be branded, and how. If unsound, to be destroyed by inspector.

If part sound and part unsound, then to be separated from each other. Sess. 31. c. 59, § 8 W. v. 5. 282.

Fees of inspector. W. v. 5. 282. Sess. 31. c. 59, sec. 9.

And he is to take an oath or affirmation. W. v. 5. 282. Sess. 31. c. 59, § 10.

do solemnly swear or affirm, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the duty and office of an inspector and re-packer of fish, according to the true intent and meaning of the act, entitled "an act for the inspection of fish."

If guilty of neglect, malpractice, etc.
W v s. 282.
Sess 31. c 59
§ 14

To pay a forfeiture, and how much

Any person intermixing fish or shifting them, or putting other fish into a cask branded, etc. or altering, etc. the brand.
W v s. c 292.
Sess 31. c 59
§ 12.
39 El. c 10.
Every barrel of salmon to weigh 200 lb.
W v s. 282.
Sess 31. c 59.
sec 13
Half barrel 100 lb.

Barrels and half barrels of shad to be of like dimensions as those of beef and pork, and to be re-packed & branded like those of

If any person shall export or sell for exportation fish not inspected
W v s c 282.
Sess 31. c 59.
sec 15
He shall forfeit as a penalty the value of fish
How recovered and applied

This act not to apply to fish imported from foreign countries—W v s. 438—Sess 22. c 8, sec 3—14 H. 6. c 6—39 El. c 10—15 Car. 2. c 7.
10&11. W. 3. c 24—1 Ann. st. 1. c 21—2&3. Ann. c 14—4 Ann. c 12—1 Geo. 1. c 18.

XI. *And be it further enacted*, That if either of the inspectors to be appointed by virtue of this act, shall be guilty of any fraud or neglect in inspecting any fish, or of offering any fee or reward to owners of fish, or their agents, or to any other person, in order to obtain the profits of inspecting or re-packing the same, on any pretence whatever, or shall brand any cask containing fish, contrary to the true intent and meaning of this act, or which has not been actually inspected agreeable to the laws of this state, he or they shall, for every barrel or cask of fish (seen on excepted) forfeit and pay the sum of five dollars, and for every barrel of salmon, ten dollars, and for every tierce of salmon, twenty-five dollars.

XII. *And be it further enacted*, That if any person shall intermix, take out or shift any fish of any barrel or cask inspected and branded as by this act is required, or put into any barrel or cask inspected and branded, any other fish for sale or exportation, or alter the face of or change the brand or mark of any inspector, contrary to the true intent and meaning of this act, the person or persons so offending, shall, for every barrel or cask, forfeit and pay the sum of twenty-five dollars.

XIII. *And be it further enacted*, That every barrel of salmon inspected, shall contain two hundred pounds weight, and every half barrel shall contain one hundred pounds weight; and that every tierce or cask, in which salmon shall be packed, shall be marked or branded on one head of the cask so inspected by the inspector, the weight contained in each tierce or cask, and the inspector shall be allowed, for such inspection, fifty cents for each tierce, and for each keg, twelve and an half cents.

XIV. *And be it further enacted*, That all barrels and half barrels in which shad shall be re-packed, shall be of the size and quality of barrels and half-barrels, designated by law for beef and pork, and the same shall be re-packed and branded agreeable to the provisions in this act, for re-packing, inspecting and branding salmon.

salmon—W v s. 282—Sess 31. c 59, sec 14.

XV. *And be it further enacted*, That any person or persons who shall export or offer for sale for exportation to any foreign port, any fish described in this act, without being inspected according to the provisions of this act, such person or persons shall forfeit and pay the amount and value of such fish so offered or exported, to be recovered in an action of debt, with costs of suit, in any court of record having cognizance thereof, by any person who shall sue for the same, the one moiety thereof to the use of such person, and the other moiety thereof to the use of the poor of the city or town where such offence shall be committed.

XVI. *And be it further enacted*, That nothing in this act contained, shall be taken or deemed to apply to fish, put up and packed in foreign countries, imported into this state.

CHAP. XXII.—(R.L.)

An ACT concerning the Inspection of Pot and Pearl-Ashes.

Passed February 25, 1813.

[V.S. v. 2. 486, 655, 657—Gr. v. 1. 100—Ibid. v. 2. 315—Ibid. v. 3. 486—K.&R. v. 1. 522.—W. v. 3. 48.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the person administering the government of this state, by and with the advice and consent of the Council of Appointment, shall, from time to time appoint such and so many inspectors of pot and pearl-ashes in the cities of New-York and Albany, not less than two, nor more than six in number, in each of the said cities, as may be necessary for a speedy inspection of the said articles, as the same may be offered for that purpose in the said cities; and one inspector of pot and pearl-ashes in each city and county of this state where it shall be deemed necessary: *Provided however,* That the present inspectors of pot and pearl-ashes shall continue in office until others are appointed.

II. *And be it further enacted,* That each inspector hereafter to be appointed, before he enters upon the execution of his office, shall take and subscribe the following oath or affirmation, before any person authorised to administer the same; or if in the city of New-York or Albany, before the mayor or recorder thereof, viz.: "I

, do solemnly swear, (or affirm) that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute, do and perform the office and duty of an inspector and examiner of pot and pearl-ashes, according to law; and that I will not, directly or indirectly, by myself, or any other person or persons for me, buy or sell any pot or pearl-ashes, during the time I continue inspector of the same, on my own account or upon the account of any other person or persons whomsoever, so help me God."

III. *And be it further enacted,* That no person whatsoever shall ship, except to the provinces of Upper and Lower Canada, any pot or pearl-ashes for exportation, before he shall first submit the same to the view and examination of an inspector appointed for that purpose, who shall start the same out of the casks, and carefully examine, try and inspect the same and sort the same in three different sorts if necessary; that the said inspector shall put each sort by itself into tight casks, well hooped and coopered, which he shall distinguish by the words, "*first sort,*" "*second sort*" or "*third sort,*" with the words "*pot*" or "*pearl-ashes,*" branded in plain legible letters, together with the letters of his name, and the place where such pot or pearl-ashes are so inspected, at full length on each of the casks; and also shall weigh and mark with a marking iron on each cask, the gross weight thereof; and shall deliver to the proprietor or proprietors an invoice or weigh note, under his hand, of the weight of each cask, in which invoice or weigh note, he shall distinguish the said pot or pearl-ashes, in the manner herein before directed, and not in any other way or by any other denomination; for which services, and also for the additional service of re-packing the said pot or pearl-ashes, and putting the casks in the same condition they were in when brought to him for inspection, the said inspector shall have and receive

Inspectors of
pot and pearl-
ashes, to be
appointed
K&R. v 1
522. sec 1.
W v 3. 48
Sess 25. c 19
see 1
24 Geo. 2. c 51

Provide.

To take an
oath
K&R. v 1 522
see 1.

No pot or
pearl-ashes
(except to Ca-
nada) to be
shipped be-
fore inspec-
tion
K&R. v 1
522. sec 2.
Inspectors du-
ty.
W v 3. 48
Sess 25. c 19.
see 3.

His fees

Proviso.

Further proviso.

nine cents for every hundred weight so inspected, one half to be paid by the purchaser, and the other half by the vendor: *Provided*, That if any such cask or casks shall, in the judgment of the inspector, be unfit for shipping, such further cooerage or such new casks as may be necessary, shall be made or done at the expense of the vendor: *And provided further*, That no inspector shall brand any cask containing pot or pearl-ashes, unless the same be twenty-nine inches in length, nineteen inches in diameter, at each head, be full bound, be made of white oak staves and heading, or such other timber as the said inspector may think proper, and be sound and tight; and every inspector at the time of starting the said pot or pearl-ashes for inspection, shall weigh the casks containing the same, and mark the tare thereon, with a marking iron, under the gross weight on each cask.

Frauds in mixing stone, &c. with pot or pearl-ashes how punished. W. v. 3. 48 Sess. 25. c 19/5

IV. *And be it further enacted*, That if any person shall intermix with pot or pearl-ashes any stone, lime, salt, or other improper substance, whereby the quality of such pot or pearl-ashes shall be prejudiced or reduced, and be thereof duly convicted, every such person shall forfeit the sum of twenty dollars for every such offence, to be recovered in an action of debt, in any court having cognizance thereof, the one moiety to the use of the people of this state, and the other to the benefit of such person as shall prosecute therefor.

Casks of pot and pearl-ashes to be branded and how. W. v. 3. 43 Sess. 25. c 19 § 6

V. *And be it further enacted*, That every person who shall manufacture any pot or pearl-ashes, shall with a distinguishable brand or marking iron, impress upon each cask of pot or pearl-ashes of his own manufacture, the initial letters of his christian name, and surname at full length, before the removal of such cask from the place of manufacture, under the penalty of five dollars for every cask so removed without being branded or marked as aforesaid, to be recovered and applied as is in the foregoing clause provided.

Pot and pearl-ashes already inspected in this state, need not again be inspected before exportation.

K&R v. 1. 522 § 6—W. v 3. 48 Sess. 25. c 19 § 2

But of the inspectors in cases of fraud. K&R. v. 1. 522 § 3

VI. *And be it further enacted*, That pot or pearl-ashes inspected in the city of Albany, or other city or place of trade upon the Hudson river, where inspectors have been or may be appointed, may be shipped for exportation, or may be vended or disposed of in the city of New-York, and from thence shipped for exportation out of this state, without any further or other inspection in the said city of New-York.

Penalty for offering condemned ashes for sale.

How recovered and applied.

VII. *And be it further enacted*, That when any inspector shall, on examination of any pot or pearl-ashes submitted to him for inspection, discover any fraud, either by the mixture of stone, lime, salt, or any other improper substance whatever, then and in such case it shall be the duty of the said inspector, to brand the cask containing such adulterated ashes with the word "*condemned*," and the inspector shall be entitled to receive from the person owning or presenting such ashes for inspection, the same compensation as though they had been good; and if any person shall offer or expose for sale any ashes so condemned as aforesaid, for any other than condemned ashes, he shall forfeit the sum of twenty-five dollars for every barrel so exposed for sale, to be recovered by any person who will sue for the same, before any court having cognizance thereof; the one half to the use of the poor of the said city or town where such recovery shall be had, and the other

half to the use of the person who shall prosecute for the same to effect.

VIII. *And be it further enacted*, That every such inspector shall have full power and authority by virtue of this act, and without further or other warrant, to enter on board of any ship or vessel whatsoever, lying at or being in the harbour where such inspector is authorised to inspect pot or pearl-ashes, to search for any pot or pearl-ashes shipped or shipping on board any such vessel for exportation out of this state, except to the provinces of Upper and Lower Canada; and if such inspector shall, on search, discover any cask of pot or pearl-ashes not branded as before directed, the person so shipping or having shipped the same, shall forfeit every such cask of pot or pearl-ashes so shipped or shipping and not branded in the manner herein before directed; and the master or commander of any such vessel, who shall receive any such cask or casks of pot or pearl-ashes, not branded as aforesaid, shall forfeit the sum of twelve dollars and fifty cents; and if any master of any ship or vessel, or any of his servants or seamen, shall obstruct or hinder the said inspector in making such search as aforesaid, every person so offending, shall, for such offence, forfeit the sum of twenty-five dollars.

Inspector may search any vessel for pot or pearl-ashes. R&R. v. 1. 522 § 4

And any cask discovered not branded, forfeited.

Penalty on the master of such vessel.

Penalty for obstructing such search.

IX. *And be it further enacted*, That if any inspector aforesaid, not then employed in the duties of his said office, shall on application to him to examine any pot or pearl-ashes, refuse or delay to proceed to such examination and inspection for the space of three hours thereafter, every such inspector shall, for each offence, forfeit two dollars and fifty cents, for the use of the person so delayed.

Penalty on inspector for delaying or refusing to inspect. R&R. v. 1. 522 § 6

X. *And be it further enacted*, That if any person shall counterfeit any of the brand-marks aforesaid of the said inspectors, or impress or brand the same on any cask of pot or pearl-ashes, knowing such brand-mark or impression to be counterfeit, or if any person shall empty any cask of pot or pearl-ashes branded as aforesaid, in order to put in other pot or pearl-ashes for sale or exportation without first cutting out the said brand-marks, every such person, being thereof legally convicted, shall for each offence, forfeit and pay the sum of one hundred and twenty-five dollars.

Penalty for counterfeiting branded marks. R&R. v. 1. 522 § 7

XI. *And be it further enacted*, That all fines and forfeitures aforesaid, shall be recoverable in the same manner as other debts of the same value, recoverable by action of debt or by information; the one moiety thereof when recovered, except where the same are herein otherwise applied, to the use of the person suing for the same, and the other moiety to the use of the poor of the city or town where the offence was committed.

Fines and forfeitures how to be recovered and applied. R&R. v. 1. 522 § 9

XII. *And be it further enacted*, That wherever any pot or pearl-ashes which now are or hereafter shall be stored with any inspector of pot and pearl-ashes for inspection or otherwise, and which shall not be claimed or demanded by the owner or owners thereof within two years from the time the same shall have been inspected, it shall be lawful for the said inspector, in his discretion to sell and dispose of the same at public auction, first giving two months public notice in one newspaper printed in the city of New-York, and in the newspaper published by the printer of this

Pot or pearl-ashes remaining with the inspector for 2 years and not claimed by the owner, may be sold and proceeds paid into the treasury for the benefit of the owner.

state at Albany, describing, as nearly as may be, the marks on the barrels containing the said pot or pearl-ashes; and the proceeds of such sale, after deducting all costs, charges and expenses, and all claims of the said inspector or otherwise, shall be paid into the treasury of this state for the benefit of the owner, and he shall be entitled to receive the same on furnishing satisfactory proof of such ownership to the comptroller.

CHAP. XXXVI.—(R.L.)

An ACT to regulate the Culling of Staves and Heading.

Passed March 26, 1813.

[J.&V. v. 2. 296.—Gr. v. 2. 128.—K.&R. v. 1. 278.]

Staves or heading for exportation to be culled. K. & R. v. 1. 278. § 1.
Butt staves, of what timber and dimensions.
Long and short staves. 23 H. c. 4, § 8 El. c 9.

Pipe-staves.

White oak hogshead-staves.

Barrel-staves.

Heading.

Red oak hogshead-staves.

Inspector-general of staves and heading to be appointed in N. York.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That no staves or heading shall be exported out of this state to any foreign market, but such as shall be culled by cullers as herein after directed. That all butt-staves shall be made of good white oak timber, and shall be of the following dimensions: the long butts shall be five feet six inches long, the short butts four feet six inches long, and both at least five inches broad when dressed, clear of sap, two inches thick on the thinnest edge, and not more than two and an half inches thick in any place, and shall be regularly split with the grain of the wood, and free from twist, and to be otherwise good and sufficient. That all pipe-staves shall be made of good white oak timber, and shall be four feet six inches long, and shall work three inches broad when dressed, clear of sap, and shall be three quarters of an inch thick on the thin edge, regularly split with the grain of the wood, and shall not have more than six worm holes, and be otherwise good and sufficient. That all white oak hogshead-staves shall be made of good timber, and shall be three feet six inches long, and shall work three inches broad when dressed, clear of sap, and shall be three quarters of an inch thick on the thin edge, regularly split with the grain of the wood, and shall not have more than four worm holes, and be otherwise good and sufficient. That all barrel-staves shall be two feet eight inches long, and shall work three and an half inches broad when dressed, clear of sap, and shall be three quarters of an inch thick on the thin edge, regularly split with the grain of the wood, and not more than four worm holes, and otherwise good and sufficient. That all heading shall be made of good white oak or white ash timber, and shall be two feet eight inches long, and shall not be less than six inches broad, clear of sap, three fifths of which shall be fit for middle pieces, and shall not be less than three fourths of an inch thick on the thin edge, and be otherwise good and sufficient. That all red oak hogshead-staves shall be three feet six inches long, three inches and an half broad, including sap, and shall be three quarters of an inch thick on the thin edge.

II. *And be it further enacted,* That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall, as often as may be necessa-

ty, appoint an inspector-general of staves and heading for the city and county of New-York, who, before he enters on the execution of the duties of his office, shall take and subscribe the following oath or affirmation, before the mayor or recorder of the said city: "I, do solemnly swear (or affirm) that I will truly, faithfully and impartially, according to the best of my ability, perform the duty of inspector-general of staves and heading, according to law, without any wilful omission, neglect or delay whatsoever." And the said inspector-general is hereby authorised and required to superintend the cullers of staves and heading, within the said city and county, in order that the laws relative thereto may be duly executed; and the said cullers are required to follow such instructions and directions as they or any of them may receive, from time to time, from the said inspector-general, in relation to the duties required of them by law, and shall, as often as once in every month, make a return to him of the quantity of staves and heading which they cull, and of whom, specifying the different kinds. And the said inspector-general is hereby authorised and empowered to displace any of the said cullers, who shall in his opinion act inconsistently with the trust reposed in them, from negligence, incapacity, mal-practice or any other cause; and the said inspector-general shall appoint some fit person to act in the room of the person so displaced, until the pleasure of the council of appointment be known; and in case any of the said cullers shall die or resign, the said inspector-general shall appoint some fit person to supply the vacancy, until the pleasure of the council of appointment be known: And it shall be the duty of the said inspector-general, to report to the person administering the government, the name of the culler or cullers who shall so die, be displaced or resign, and the name of the person or persons by him appointed to supply such vacancy, as soon after as may be; and where any dispute shall arise respecting the culling of staves and heading, such dispute shall be submitted to the said inspector-general, whose determination thereon shall be final.

K&R v 1. 279
§ 2

His oath of office.

His powers and duties.

Cullers subject to his instructions,

And they shall make monthly returns,

He may displace any of them who conduct themselves improperly, and appoint others til the council meet.

Vacancies may also be filled by him?

Disputes to be submitted to him.

III. *And be it further enacted*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall and may appoint eight or more cullers for the city and county of New-York, four or more cullers for the city and county of Albany, two or more cullers for the city of Hudson, and as many in the other counties in this state, as shall appear, from time to time, to be necessary; and the inspector-general and cullers already appointed, shall continue in office during the pleasure of the said council.

Number of cullers, and how appointed.

K&R v 1. 280
§ 3

IV. *And be it further enacted*, That each of the cullers to be appointed by virtue of this act, shall take the following oath before some person authorised to administer the same, viz: "I, do solemnly swear that I will well, faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office of a culler and examiner of staves and heading, according to the true intent and meaning of the laws of this state relative thereto."

To take an oath.
K&R. v 1. 280
§ 4

Their oath.

Inspector-general and cullers in N. York not to buy or sell staves or heading.

K&R. v. l. 220 § 5
Penalty.

Proviso—If they are coopers, etc.

Inspector general's compensation for services
K & R. v. l. 220 sec. 6

And compensation to cullers in N.Y.

And in the other cities and counties

Disputes about culling, how settled
K&R. v. l. 221 sec. 7

Inspector general may search vessels
K&R. v. l. 221 sec. 8

V. *And be it further enacted*, That the said inspector-general, and the cullers of staves and heading in the city and county of New-York, are hereby prohibited from buying or selling, either on their own account, or as agent or factor for any other person, any staves or heading whatever, under the penalty of fifty dollars for each offence, to be sued for, recovered and applied, as herein after mentioned: *Provided*, That nothing herein contained shall be construed to prevent the said inspector-general, or cullers, if they are coopers, and actually carry on that business, from buying staves and heading for their own use.

VI. *And be it further enacted*, That the said inspector-general shall be entitled to receive on every thousand merchantable staves and heading which shall be culled in the city and county of New-York, ten cents, one half to be paid by the buyer, the other half by the seller; and for all such staves or heading as are culled out and not merchantable, he shall be entitled to receive of the proprietor thereof, the one half of the above mentioned compensation; and the said cullers in the city and county of New-York shall be entitled to receive, as a compensation for culling every thousand pipe-staves, the sum of sixty-two and an half cents; for every thousand hogshead-staves and heading, the sum of fifty cents; for every thousand barrel-staves, the sum of thirty-seven and an half cents; for every thousand long butt-staves, the sum of one dollar and fifty cents; for every thousand short butt staves, the sum of one dollar and twenty-five cents, and no more; one half to be paid by the buyer and the other half by the seller; and for all such staves or heading as are culled out and not merchantable, they shall be entitled to receive of the proprietor thereof, the one half of the price of the culling merchantable staves or heading; and the said cullers in the other cities and counties of this state, shall be entitled to receive, as a compensation for culling every thousand pipe-staves, the sum of fifty cents; for every thousand hogshead-staves and heading, the sum of thirty seven and an half cents; for every thousand barrel-staves, the sum of twenty-five cents, and for every thousand long butt-staves, the sum of one dollar and twenty-five cents, and for every thousand short butt-staves, the sum of one dollar, and no more, computing twelve hundred staves or heading to a thousand, the one half to be paid by the buyer, the other half by the seller; and for all such staves or heading as are culled out and not merchantable, the culler shall be entitled to receive of the proprietor thereof, the one half the price of the culling merchantable staves or heading.

VII. *And be it further enacted*, That where any dispute shall arise between the buyer and seller of staves and heading, respecting the culling of the staves by the culler who was employed for the purpose, such dispute shall be submitted to two other cullers of staves or heading, one to be chosen by the buyer and the other by the seller, and their determination shall be conclusive.

VIII. *And be it further enacted*, That the said inspector-general shall have full power and authority, by virtue of this act, and on suspicion that any staves or heading which have not been

culled, or which have been condemned as unmerchantable, shall have been shipped in any ship or other vessel for exportation, to enter on board any ship or vessel whatsoever, within any harbor, port or river, within the said city and county of New-York, to search for any staves or heading shipped or shipping on board any such vessel for exportation immediately from thence to any foreign market, and if he can discover any staves or heading shipped on board any such vessel that have not been culled by one of the cullers appointed according to law, or shall find on board any staves or heading which have been culled out or condemned, he is hereby required to cause the same to be re-landed, and the same shall be and hereby are forfeited; and the proceeds thereof shall be applied as herein after directed; and if any master, owner or consignee of any such vessel, or any other person shall by threats or violence prevent the said inspector-general from entering on board any such vessel to make such search, or shall menace or disturb him while on board, and thereby prevent or attempt to prevent his performing the duties of his office, every person so offending shall forfeit the sum of fifty dollars for every such offence, to be recovered by action on the case, in the name of the chamberlain of the city, which, when recovered, shall be applied as penalties are to be applied, as herein after directed.

And remove staves or heading condemned or not inspected, which are declared forfeited. If he is prevented or disturbed in searching, etc. the offender to forfeit a penalty.

IX. *And be it further enacted*, That except in the city and county of New-York, the said cullers, and every of them, shall have full power and authority, by virtue of this act, and on suspicion that any staves or heading which have not been culled, or which have been condemned as aforesaid, shall be shipped in any ship or other vessel for exportation, to apply to any justice of the peace, and on oath to assign to such justice the causes of such suspicion; and if the said justice shall think the said suspicion well grounded, he shall issue his warrant to the said culler or cullers to enter on board any ship or vessel whatsoever, within any harbor, port or river, within the county of which he is a culler, to search for and make discovery of any staves or heading shipped or shipping on board any such vessel for exportation immediately from thence to any foreign market; and if the said culler, on such search, discover any staves or heading shipped on board any such vessel, that have not been culled by one of the cullers appointed by virtue of this act, or shall find on board any staves that have been culled out or condemned, such culler shall apply to one of the nearest justices of the peace, who is hereby required to issue his warrant, directed to some peace-officer or officers, commanding him or them to enter on board such vessel having on board such condemned or uninspected staves or heading, and cause the same to be re-landed and delivered to the owner or owners thereof, upon his or their paying the expense of such search and re-landing.

Cullers, except in N. Y. may search vessels by order of a justice. K&R. v. 1 282, sec. 9

Oath of suspicion to be made.

And justice by warrant to cause staves or heading condemned or uninspected, to be re-landed.

X. *And be it further enacted*, That if any person shall ship on board any vessel for exportation out of this state, any staves or heading to any foreign market, except such as have been viewed and examined by some one of the cullers appointed by virtue of this act, in the city, county or town where such staves or heading were exported from, the master of such vessel shall

Penalty for shipping staves or heading not inspected. K&R. v. 1 282, sec. 10.

Or the staves,
etc. may be
condemned

Inspector-general
to make
annual reports
to the govern-
ment
K&R. v 1
283 sec. 11

Forfeitures
under this act,
how applied.
K&R. v 1
283. sec. 12

forfeit and pay the sum of two dollars and fifty cents for every thousand so taken on board, and the owner or proprietor thereof the sum of five dollars for every thousand so shipped on board for exportation, to be recovered with costs of suit by any person who will prosecute for the same in any court having cognizance thereof: *And further*, That if any person shall ship on board any ship or vessel for exportation to any foreign market any staves or heading that have been condemned, or shall mix the same with any staves or heading that have been culled, every such person, upon due proof thereof, shall forfeit and pay the sum of five dollars for every thousand condemned staves or heading so shipped on board or mixed, to be recovered in manner aforesaid.

XI. *And be it further enacted*, That it shall be the duty of the said inspector-general to make reports annually to the person administering the government of this state, to be laid before the legislature, and in such report he shall set forth whether any, and if any, what amendments are proper to be made to the laws relative to the culling of staves and heading, and likewise what number of the respective kinds of staves and heading have been culled in the city of New-York in the year for which the said report may be made.

XII. *And be it further enacted*, That one moiety of the forfeitures to be recovered by virtue of this act, shall be paid to the overseers of the poor in the city or town where the offence shall be committed, for the use of the poor thereof, and the other moiety thereof to such person as shall sue for the same as aforesaid.

CHAP. VI.—(R.L.)

An ACT concerning the Inspection of Sole Leather.

Passed March 5, 1813.

[V. S. v. 2. 631.—J&V. v. 136.—Gr. v. 103.—K&R.]

Inspectors of
sole leather to
be appointed
for New-York,
Hudson, Al-
bany, Sche-
nectady, Troy,
Brooklyn,
Catskill and
Sagg-harbor.
27. st. 2. c. 1
3 H. 8. c. 10.
24 H. 8. c. 1.
27 H. 8. c. 14.
1 El. c. 9.
1 Jac. 1. c. 20.
9 Ann. c. 11.
12 Geo. 2. c.
35.
5 Geo. 1. c. 2.
To take an
oath.

Oath.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall from time to time appoint two inspectors of sole leather for the city of New-York, and one for each of the cities of Hudson, Albany and Schenectady, one for the village of Troy, in the county of Rensselaer, one for the village of Brooklyn, in the county of Kings; one for the village of Catskill, in the county of Greene; and one for the port of Sagg-harbor, in the county of Suffolk: *Provided however*, That the present inspectors of sole leather shall continue in office until others are appointed; and each inspector hereafter to be appointed shall, before he enters on the execution of his office, take and subscribe the following oath or affirmation (as the case may be) before one of the judges of the court of common pleas of the county within which he shall reside, if within one of the cities above mentioned, then before the mayor or recorder thereof, to wit: "I, do solemnly swear or affirm, (as the case may be) that I will faithfully and impartially, to the best of my knowledge and skill, exe-

cute and perform the office and duty of an inspector of sole leather, according to law, and that I will not directly or indirectly buy or sell any sole leather inspected by me or any other person within this county, during the time I continue inspector in the same, so help me God."

II. *And be it further enacted*, That no sole leather, except such as shall have been previously inspected by one of the inspectors in this state, shall be sold for any purpose whatsoever, within any place for which an inspector has been appointed, whether such sole leather be manufactured within the same or imported, or brought therein from any place whatsoever, until the same shall have been examined, weighed, and sealed by one of the inspectors for that purpose appointed, under the penalty of five dollars for every such side of sole leather so sold, to be sued for and recovered by action of debt, with costs of suit, by any person who shall sue for the same, in any court having cognizance of the same, one moiety whereof, when recovered, to be paid to the chamberlain of the city or overseers of the poor, (as the case may be,) and the other moiety to the person so suing.

All sole leather to be inspected before sold.

Penalty for neglect. How recovered and applied.

III. *And be it further enacted*, That it shall be the duty of the inspector appointed by virtue of this act, to go, whenever required within the place for which he is appointed inspector, to examine and inspect any number of sides of sole leather. It shall also be his duty to provide himself with proper scales, weights and seals for the purpose aforesaid, and weigh and impress on every side of sole leather he shall have inspected his surname, and the name of the place for which he is an inspector at full length, and also the weight thereof, and on all leather he may deem manufactured of good hides, and in the best manner the word "*best*," and on all leather manufactured of good hides in a merchantable manner, the word "*good*," and on all leather manufactured of damaged hides, in a merchantable manner, the word "*damaged*," and on all other sole leather, the word "*bad*," and if any person or persons shall counterfeit such mark or marks by making any impression or mark, or alter or deface the same on any sole leather, such person or persons so offending, shall forfeit and pay for every side of sole leather so marked, impressed, defaced or altered, the sum of twenty-five dollars, to be sued for, recovered and applied as in manner aforesaid.

Inspectors duty.

Farther duty.

To mark the leather inspected, and how.

Counterfeiting such marks subject to a penalty.

IV. *And be it further enacted*, That on application of any person, it shall and may be lawful for any inspector, appointed by virtue of this act, to inspect sole leather in any other part of the county, or in any of the counties adjoining to the county in which such place is situated, for which he is appointed an inspector: *Provided*, There be no inspector of sole leather appointed for such part of a county, or in such adjoining counties.

Inspectors may inspect leather in any adjacent county in which none is appointed.

V. *And be it further enacted*, That there shall be paid to the inspector for inspecting, weighing, and sealing each side of sole leather, the sum of four cents, the one half of which shall always be considered a legal charge, to be paid by the purchaser to the vendor.

Compensation to the inspector.

He may make deductions for leather not dry. Inspector liable to the purchaser if leather weighs ten per cent lighter than marked by him.

VI. *And be it further enacted*, That it shall be lawful for any inspector appointed by virtue of this act, when sole leather is not perfectly dry, to make such deduction for moisture as in his judgment he may deem just and right; but if any side or sides of sole leather shall dry away so as to weigh ten per cent. less than the weight marked thereon by such inspector, he shall be subject to pay for the whole of such deficiency at a just valuation, to be sued for and recovered by any person who has purchased such leather, and sues for the same, in any court having cognizance thereof.

CHAP. LXXXVI.—(R.L.)

An ACT to reduce several Laws, relating particularly to the City of New-York, into one Act.

Passed April 9, 1813.

Division of the City into Wards.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the city of New-York shall continue to be divided into ten wards in the manner following, that is to say; the first ward shall begin in the middle of Pearl-street, at the place where it is intersected by Pine-street, and run from the said point of intersection along the middle of Pine-street to and across the East river, in the same direction to low water mark on Nassau-Island, and then along Nassau-Island shore, at low water mark, unto the south side of Redhook, and then across the North river (so as to include Nutten-Island, Bedlow's Island, Bucking-Island, and the Oyster-Islands, and all the waters of this state in the bay of New-York, and the southward thereof, and not comprehended in any other county) to low water mark, on the west side of Hudson's river, or so far as the bounds of this state extend there, and up along the west side of Hudson's river at low water mark, or along the limits of this state to a place due west from the middle of the west end of Thames-street, then due east to the middle of Thames-street, then along the middle thereof to the middle of Broadway, then along the middle thereof to a place opposite to the middle of Pine-street, then along the middle thereof to the place of beginning.

Second Ward. The second ward shall begin at the southeasterly corner of the first ward, and run along the easterly bounds thereof across the East river, to and along the middle of Pine-street, to the middle of Nassau-street, then along the middle of Nassau-street, to a point opposite to the middle of George-street, then along the middle of George-street to and along the middle of Gold-street, to the middle of Ferry-street, then along the middle of Ferry-street and Peck-slip, on a direct line across the East river, to Nassau-Island, at low water mark, then along Nassau-Island at low water mark, to the place of beginning.

Third Ward: The third ward shall begin on the west side of Hudson's river at the northwesterly corner of the first ward, thence due east

along that line, across Hudson's river, to the middle of Thames-street, then along the middle thereof to the middle of Broadway, then along the middle of Broadway, to a place opposite to the middle of Pine-street, then along the middle of Pine-street, to and along the middle of Nassau-street, to a place opposite to the middle of Murray-street, then to and along the middle of Murray-street, to Hudson's river, and then continuing the same course across Hudson's river, to low water mark on the west side thereof, or so far as the bounds of this state extend there, and so down along the west side of Hudson's river at low water mark, or along the limits of this state, to the place of beginning.

The fourth ward shall begin at the northerly corner of the Fourth Ward
second ward, and run along the bounds of the third ward, and middle of Chatham-street, to a place opposite to the middle of Catharine-street, and then to and along the middle of Catharine-street, to the East river, and continuing the same course across the East river, to low water mark, on Nassau-Island; then along Nassau-Island shore at low water mark, to the bounds of the second ward, and then northerly along the same to the place of beginning.

The fifth ward shall begin at the northwesterly corner of the Fifth Ward,
third ward, and run along the northerly bounds thereof to the middle of Broadway; then along the middle of Broadway to the middle of the stone-arch built across the stream running out of the Fresh-water pond, and then along the middle of the said stream of water, to Hudson's river, and then due west to low water mark on the west side of Hudson's river, or so far as the bounds of this state extend there, and so down along the west side of Hudson's river, at low water mark, or along the limits of this state, to the place of beginning.

The sixth ward shall begin at the place where Murray-street Sixth Ward
intersects Broadway; thence along the middle of Broadway to the middle of Grand-street, then along the middle of Grand-street to the middle of the Bowery-road, thence along the middle of the Bowery-road to the middle of Chatham-street, then along the middle of Chatham-street, to a place opposite to the middle of Murray-street, then along the middle of Murray-street, to the place of beginning.

The seventh ward shall begin at the southeasterly corner of Seventh Ward
the fourth ward; thence along the easterly boundary of the said ward, up Catharine-street to the middle of Division-street, then along the middle of Division-street to the middle of Grand-street, and then along the middle of Grand-street to the East River, and continuing the same course across the East river, to low water mark, on Nassau-Island, then along Nassau-Island shore, at low water mark, to the place of beginning.

The eighth ward shall begin at the northwesterly corner of the Eighth Ward.
fifth ward, and thence along the northerly bounds of the fifth ward, and along the boundary of the sixth ward to the middle of the Bowery-road; then along the middle of the Bowery-road to a place opposite to the middle of Love-lane, then down along the middle of Love-lane, and on the same course to low water mark on the west side of Hudson's river, or so far as the limits of this

state extend there, and so down along the west side of Hudson's river, at low water mark, or along the limits of this state, to the place of beginning,

Ninth Ward.

The ninth ward shall include all that part of the said city which lies to the northward and eastward of a line beginning at the northwesterly corner of the eighth ward, and running along the northerly bounds thereof, to the middle of Bowery-road, then down Bowery-road to a place opposite to the middle of a street or road called Stuyvesant-street; then along the middle of the said Stuyvesant-street, in front of St. Mark's church, to the East river, and continuing the same course across the East river, to low water mark on Nassau-Island.

Tenth Ward.

The tenth ward shall include all the residue of the said city.

Quorum of
the common
council

II. *And be it further enacted*, That the electors of each ward shall annually choose, according to law, one alderman and one assistant; two assessors, one collector and two constables: and that not less than the mayor or recorder, and five aldermen, and five assistants, shall be a quorum of the common council of the said city, or be competent to do any business.

Election of Charter Officers.

Time of elec-
tion

III. *And be it further enacted*, That the anniversary election for charter officers to be chosen in and for the city of New-York, shall commence on the third Tuesday of November in every year; and that all such elections shall be by ballot, and shall be continued by adjournment from day to day, for three days successively, including the first; and that the poll of every such election shall be opened at or before ten o'clock in the morning of every day on which the said election shall be held, and shall be kept open on each day of such election until the setting of the sun; and that all officers so chosen (excepting the collectors) shall be sworn into and commence the duties of their respective offices, on the first Monday of December thereafter.

Charter offi-
cers when
sworn into
office

Places for
holding elec-
tion by whom
and when de-
signated

IV. *And be it further enacted*, That the mayor, aldermen and commonalty of the said city, shall, on such day in the month of November in every year, as to them shall seem meet, at least eight days before the annual day of election above established, fix upon a proper place in each of the wards of the said city, where such election shall be held, and shall nominate and appoint three fit and discreet persons, residents and electors thereof, inspectors of the said election: *And further*, That in case any one or more of the said inspectors shall die, remove out of the said city, refuse to serve, or be rendered incapable of attending any of the said elections, before or on the day on which the same is to be held, that it shall be lawful for the mayor, aldermen and commonalty, in every such case, and they are hereby required to appoint another such person or persons, in the room of the person or persons before appointed: and in case the said mayor, aldermen and commonalty, shall neglect or refuse to make such appointment, it shall be lawful for the mayor of the said city, and he is hereby enjoined to appoint such other inspector or inspectors.

Inspectors of
election how
appointed

Vacancies
how filled

V. *And be it further enacted*, That the inspectors of each ward, whenever an election is to be held therein, shall, by writing under their hands, to be fixed up in at least five of the most public places in such ward, give six days notice of the time and place when and where the said election is to be held: and at the time and place of opening such election, the said inspectors shall publicly administer to each other, and severally take, the following oath or affirmation: "I, do solemnly and sincerely declare and swear, (or affirm) in the presence of Almighty God, that I will in all things honestly, faithfully and impartially, and according to the best of my knowledge and abilities, execute the office of inspector of this election; and that I will faithfully and impartially canvass and estimate the ballots taken at the said election, and certify a just and true statement of the same, according to my best understanding: and if I shall discover any other person or persons, who shall attend with me for the purpose aforesaid, conduct himself or themselves partially, unduly or corruptly in the premises, that I will divulge or discover the same, to the end that the persons so offending may be brought to justice:" *And further*, That in each ward the inspectors shall appoint one competent clerk of such election, who shall keep a poll list of the same, under the direction of the inspectors, and shall take the following oath, to be administered by the said inspectors: "I, do solemnly and sincerely declare and swear, that I will faithfully, truly, honestly and impartially keep the poll list at this election, and in all things, according to the best of my knowledge and abilities, will do and perform my duty as a clerk thereof." And the said clerk shall be allowed for his services at the rate of two dollars per day; and the said inspectors shall preside at said election, and conduct and direct the same according to the regulations of this act, and be the returning officers thereof in manner hereinafter directed. And the inspectors and clerk being sworn as aforesaid, the said inspectors shall cause proclamation to be made three times as follows, viz: "Hear ye! hear ye! hear ye! the poll of this election is opened, and all manner of persons attending the same are strictly charged and commanded, by the authority and in the name of the people of this state, to keep the peace thereof during their attendance at this election, upon pain of imprisonment;" which proclamation shall be repeated at every opening of the poll after an adjournment thereof, and proclamation of every such adjournment and closing thereof, shall also, in like manner, be made: *Provided always*, That the proclamation by which the same shall be closed, shall be preceded, three hours before, by a proclamation notifying the same will be closed; and the poll of every such election shall be open in the day time only, between the rising and setting of the sun.

VI. *And be it further enacted*, That all persons who are qualified by the charter of the said city to vote for charter officers, and every male citizen of this state or of any of the United States, of the age of twenty-one years and upwards, who shall have resided in the said city for the space of six months preceding said election, and shall, during that time, have rented a tenement of the yearly value of twenty-five dollars, and have

Inspectors to give notice of the time and place of election

Oath of inspectors

Inspectors to appoint clerk

His duty
Oath

Compensation

Proclamation on opening the poll

Proclamation before finally closing

Poll open only in the day time

Qualifications of electors

paid any taxes within the said city, and is not disqualified by law, shall vote at such election for charter officers, and shall be entitled to all the rights and privileges of a freeman of the said city: *Provided always,*

Elector to
vote only in
ward where
he resides

VII. *And be it further enacted,* That no person shall vote at any such election, except in the ward in which he shall actually reside.

Mortgagor or
Mortgagee in
possession
deemed a free-
holder

VIII. *And be it further enacted,* That every mortgagor or mortgagee, when in possession of the mortgaged premises, and not otherwise, shall be deemed a freeholder, within the meaning of this act; and that no person holding lands, tenements or hereditaments in trust, for any body politic or corporate, or for any pious use or purpose, shall thereby acquire or possess a right to vote.

Possession of
trust estate to
confer the
right to vote

Mode of con-
ducting elec-
tions

IX. *And be it further enacted,* That the mode of conducting every such election shall be as follows: every person who shall be qualified to vote at such election for charter officers, by virtue of this act, and shall offer himself to vote, shall, at such election, openly deliver his ballot to one of the inspectors, which ballot shall be a paper ticket, containing the name of a person for alderman and the name of a person for assistant of the said ward, and the name of such other officer or officers as shall be to be chosen in the ward in which the elector shall reside; or such and so many of them respectively as he shall think proper to vote for, severally written or printed or partly written and partly printed on the same paper ticket, designating who is voted for as alderman and who for assistant, and the like for all the officers to be chosen at such election, and for whom the said elector shall think proper to vote; and the said paper ticket shall be so folded or closed as to conceal the writing or printing thereon; and on receipt of every such ballot, the inspectors shall cause the name of the elector to be entered in the poll list by the clerk, and shall cause the ballot, without suffering the same to be inspected, to be put into a box to be provided for the purpose, with a sufficient lock thereto, which box shall be locked, and the key thereof kept during the election by any one of the inspectors selected by a majority of them, and a small hole shall be made in the lid or cover of the box sufficient only to receive such ballot, and through which all ballots shall be put into the box, and which box shall be opened at the times hereinafter mentioned: *And further,* That on every adjournment of the poll, the poll list shall be examined by the inspectors, and every mistake shall be corrected according to their judgment, whereupon the box shall be opened and the poll list put into it and locked up therein, and the key delivered to such one of the inspectors as the majority shall appoint, and the seal of one of them shall be put on the said box so as to cover the hole in the lid thereof, and the box shall then be delivered to such other of the inspectors attending such election, as a majority of them shall direct, who shall carefully keep the same, and shall, without suffering the same to be opened or the said seal broken or removed, deliver the same box in at the election table at the next opening of the poll, in the presence of all the spectators attending such election, when

and where the seal shall be broken and the box opened and the poll list taken out and the box again locked, in order to proceed in the said election ; which course shall be observed and pursued until the poll be finally closed.

X. *And be it further enacted,* That whenever any person shall present himself to give his vote or ballot, at any such election as qualified by the charter of the said city or this law, to vote for charter officers, and either of the inspectors shall suspect or any other elector in such ward shall challenge him to be unqualified for the purpose, the inspectors shall tender and administer to him the following oath or affirmation : “ I do solemnly and sincerely swear or affirm that I am a natural born or naturalized citizen of the state of New York, or of one of the United States, of the age of twenty-one years, according to the best of my knowledge and belief, and that I am a freeholder, and that I hold my estate by descent or devise, (if such shall be the case, and if he shall not so hold, then) and that I have been so for one month next preceding this election, and possessed in my own right, or in my wife’s right, (as the case may be) of a freehold in the city of New-York, and that I do not hold the same in trust for any body politic or corporate, or for any pious or religious use whatsoever, and that I have not procured the said freehold under any obligation or promise to convey the same to any other person after this election, and further that I will true answers make to any interrogatories, which shall be put to me by the inspectors of this election, touching the situation and boundaries of such freehold, from whom and by what conveyance I derive title to the same, or (as the case may be) and that I am and have been for three months last past a freeman of the said city, and do actually reside in the said ward in which I now offer to vote, or (as the case may be) and that I have for six months next, and immediately preceding this election, rented a tenement of the yearly rent of twenty-five dollars, within the said city, and have been rated, and actually have paid taxes, within the same ; and that I am now an actual resident in the ward in which I now offer to vote, and that I have not been polled before at this election.”

And in case any elector shall refuse to take the oath so tendered to him, and shall persist in such refusal during the said election, he shall lose his vote at such election ; and if at any such election an inspector shall receive the vote of any elector who being tendered the said oath, shall refuse to take the same, such inspector shall, for each offence, forfeit the sum of twenty-five dollars, to any person who will sue for the same, to be recovered with costs : *And further,* The said inspectors are hereby required to administer the said oath to any person who shall voluntarily offer to take the same.

Oath of elector or

Elector refusing to take the oath to lose his vote
Inspector receiving a vote from any person who refuses to take the oath to forfeit 25 dollars

XI. *And be it further enacted,* That after finally closing the poll of any such election, the inspectors of the wards in which such election shall be held, shall proceed without delay, publicly to open the boxes containing the said ballots, and shall first count the said ballots unopened ; and if the number of the ballots in the said box shall exceed the number of electors contained in the poll list, the said inspectors shall draw out and destroy, un-

Votes how and when canvassed

opened, so many of the said ballots as shall amount to the excess; and the said inspectors shall then proceed to canvass and estimate the said ballots, and if two or more ballots are found folded or rolled up together, they shall not be estimated; and the said inspectors shall complete the said canvass on the day subsequent to the closing of the poll, or sooner, and thereupon shall set down in writing the names of the several candidates for the respective offices, with the number of votes for each, and shall thereupon certify and declare, who have the majority of votes for each respective office, and shall subscribe their names thereto, and by one of them, to be appointed for that purpose by a majority of them, shall immediately deliver the said certificate (the said inspectors keeping a duplicate thereof) to the clerk of the city, or his deputy, who shall record the same in a book to be kept for that purpose.

Election how
certified

Persons guilty
of disorderly
conduct at
election or
canvass, to be
committed.

Proviso.

XII. *And be it further enacted*, That if any person shall be guilty of any disorderly conduct at any such election, or during the time of the canvass and estimate aforesaid, the major part of the inspectors of such election, are hereby authorized and required to commit the offender to the gaol of the said city, there to remain during the pleasure of the said inspectors: *Provided*, That such imprisonment shall in no case exceed six hours after the canvass of such election shall be finished; and all sheriffs, under sheriffs, constables and gaolers, are hereby strictly charged and required to aid and obey the inspectors herein.

Charter Offi-
ces, when to
be deemed va-
cant.

Election to
supply such
vacancies,
how ordered,
held and con-
ducted.

XIII. *And be it further enacted*, That if any of the aldermen or other officers of the said city chosen as aforesaid, shall refuse to serve, die, or remove out of the said city, before the expiration of the time for which he was chosen to serve in any such office, or shall not be legally qualified to serve in such office, then and in every such case, such office shall be deemed to be vacant, and the mayor, aldermen and commonalty in common council convened, shall order an election to be held to fill up every such vacancy, which shall be held, regulated and conducted in the same manner as is prescribed in this act, for the anniversary election of charter officers; such election however to be held and continued for two days only.

Penalty on in-
spectors for
neglect of du-
ty, partial, or
corrupt con-
duct.

XIV. *And be it further enacted*, That if any of the said inspectors shall be guilty of any wilful neglect of the duties required of them by this act, or of any partial or corrupt conduct in the execution of the same and be thereof convicted, every of them so offending and convicted shall forfeit and pay for every such offence the sum of five hundred dollars, to be recovered by action of debt or by information, in any court of record, the one moiety thereof to the use of any person who shall prosecute for the same, and the other moiety thereof to the use of the mayor, aldermen and commonalty of the said city; and if the prosecutor in any such suit shall prevail, he shall likewise recover his costs of suit against the person convicted; but if the person so proceeded against shall be acquitted, he shall recover double costs against the prosecutor, and no process shall issue to bring in the party accused until bond be filed in the office of the clerk of the court out of which the process shall issue, in the penalty of two hundred

and fifty dollars, with two sufficient freeholders as sureties, such as the court shall approve, to secure the defendant double costs, to become due on a discontinuance, withdrawing of the suit, or an acquittal or neglect to bring the same to trial within five terms after the appearance of the defendant to answer the same: *And further*, That every person so convicted shall also suffer the same pains and penalties as in cases of wilful and corrupt perjury, and shall from and after such conviction, be utterly disqualified to hold or enjoy any place or office in this state.

XV. *And be it further enacted*, That whoever shall by bribery, menace or other corrupt means or device whatsoever, either directly or indirectly, attempt to influence any elector of the said city in giving his vote or ballot, or deter him from giving the same at any election within said city, by virtue of this act, and shall thereof be convicted, such person so offending and convicted, shall forfeit and pay for every such offence five hundred dollars, to be sued for and recovered by any person, and in the manner and under the restrictions above prescribed in actions to be brought for neglect of duty or corrupt conduct: one moiety of which penalty shall be recovered to the use of the person prosecuting for the same, and the other moiety thereof to the use of the mayor, aldermen, and commonalty of the said city, and on such conviction, the person convicted shall forever thereafter be utterly disqualified to hold, exercise or enjoy any office or place of trust or profit within this state.

Bribery, etc.
how punished.

XVI. *And be it further enacted*, That no officer or other person shall call out or order any of the militia of the said city, to appear or exercise on any day during any election to be held by virtue of this act, except in cases of invasion or insurrection, on pain of forfeiting the sum of one hundred dollars for every such offence, to be recovered by any person who will sue for the same, with costs: the one moiety of such penalty to his own use, and the other moiety thereof to the use of the mayor, aldermen and commonalty of the said city.

Penalty for
calling out
militia during
election.

XVII. *And be it further enacted*, That it shall not be lawful for any officer or minister of justice, to serve any civil process in the said city, on any person entitled to vote at any election to be held by virtue of this act, on any day during such election.

Civil process
not to be served
on electors
during election.

XVIII. *And be it further enacted*, That it shall be lawful for every person hereafter to be appointed mayor of the said city, at any time within twenty days after such appointment, to take the oaths prescribed by the charter of the said city, to be taken by such mayor, before such person or persons as may be authorised by law, to administer the oaths required to be taken by persons holding offices under this state, in the said city, instead of taking the oaths in the presence of three or more aldermen of the said city.

Mayor, when
and by whom
to be sworn
into office.

XIX. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, yearly hereafter, to appoint the several charter officers who are to be annually appointed, at any time during the session of the legis-

Charter officers
who are
to be appointed
by the
council of ap-
pointment,
may be ap-

pointed any time during the session of the legislature. **lature in every year : and every officer so appointed shall hold his office for one year from the time of his appointment, and until another shall be appointed and sworn in his stead.**

Collectors when to enter upon duties of office.

XX. And be it further enacted, That at every such election hereafter to be holden in the said city, the collectors of the several wards shall be elected to serve in their respective offices for one year from the first Monday of May next after such election, and shall not enter upon the duties of their office until the said first Monday of May after such election.

Collectors to give bond.

XXI. And be it further enacted, That the person elected collector in each ward of the said city of New-York, shall within fourteen days after notice to him that the assessment books are ready for delivery, take upon himself the duties of his office and give bond to the mayor, aldermen, and commonalty of the said city, with such surety or sureties, and in such penalty as the chamberlain or treasurer of the said city shall deem sufficient, conditioned for the true and faithful performance of the office of collector, under the penalty of two hundred and fifty dollars : *And*

Under penalty of 250 dols. In case of neglect common council may declare office vacant, and order new election.

further, That in case of the neglect of any collector to give such bond within the said fourteen days, after notice to him that the assessment books are ready for delivery as aforesaid, it shall and may be lawful to and for the mayor, aldermen and commonalty of the city of New-York, in common council convened, to declare the office of collector for such ward vacant, and to order a new election of such collector, for such ward, on such day, and at such time and place in the said ward as they may think proper, and such new election shall thereupon take place and be had accordingly ; such new election however to be held and continued for two days only.

Police Office.

Police office established.

XXII. And be it further enacted, That for the more effectually discovering and apprehending offenders in the city of New-York, an office shall continue in the said city, to be denominated the police office in the city of New-York, and to be kept at such place or places as the mayor, aldermen and commonalty of the said city shall from time to time provide and assign.

Chancellor, judges of superior court, mayor, recorder and aldermen, may act therein.

XXIII. And be it further enacted, That it shall be lawful for the chancellor, every of the judges of the supreme court, the mayor, recorder, and every of the aldermen of the said city, whenever they shall severally deem the occasion to require it, to be in the said office, and then and there to do every act which they shall deem requisite to be done by them as conservators of the peace.

Three special justices to be appointed.

XXIV. And be it further enacted, That three justices shall be appointed as often as it shall be deemed necessary, each of whom shall be denominated in the commission to him, a special justice for preserving the peace in the city of New-York, and shall within the said city execute the like authorities which are by law vested in justices as conservators of the peace : and there shall also, as often as it shall be deemed necessary, be a clerk appointed to be denominated in the commission to him, the clerk of

Clerk of the police office.

the police office in the city of New-York: *Provided however,* That the persons now holding the said offices of special justice and clerk as aforesaid, shall continue to hold the same until others shall be appointed and commissioned in their stead.

XXV. *And be it further enacted,* That all recognizances from parties to appear and answer, or from witnesses to appear and testify, and all examinations of parties charged with offences, and depositions of witnesses respecting offences, taken elsewhere in the said city than in the said police office, shall forthwith be lodged in the said police office, by the chancellor, judge, mayor, recorder, special justice or other magistrate taking the same, and every recognizance for the appearance of parties or of witnesses at any court to be held in the said city, and every examination or deposition respecting offences charged to have been committed in the said city, taken in any other county, shall be transmitted by the magistrate taking the same to the clerk, to be lodged in the said police office, and as often as any recognizance for the appearance of parties or witnesses at any court, to be held in any other county, or any examination or deposition respecting offences charged to have been committed in any other county, shall have been taken or lodged in the said police office, the clerk shall transmit the same to the clerks of the respective counties; that at every term of the supreme court, and at every sessions of oyer and terminer and gaol delivery and of the peace, to be held in the said city, the clerk of the said police office shall deliver into court all recognizances which shall then be in the said police office for the appearance of persons at the said courts respectively, together with all examinations and depositions which shall then be in the said police office respecting offences charged to have been committed in the said city; that it shall, among other things, be required of the said clerk to reduce to writing all examinations and depositions, and to make out in due form all recognizances, and all warrants and other precepts which shall be made, taken, or issued before or by any magistrate in the said police office, and generally to do and perform all such services and business in the said police office as shall be to be done and performed in writing, and to do and perform every such other reasonable service and business relating to his trust as shall be required of him by the magistrates or magistrate, who at the time shall be and attend in the said police office, and to have the charge and custody of all recognizances, examinations, and depositions which shall have been taken or lodged in the said police office until the same shall be delivered into the respective courts, or transmitted to the respective counties as the case shall be, and of all other papers in the said police office.

Recognizance examinations and depositions, to be lodged in police office.

Duties of the clerk.

XXVI. *And be it further enacted,* That if any recognizance shall be taken before any court within the said city for good behaviour or keeping the peace, a certified copy of the record thereof, taken from the minutes, forthwith shall be lodged by the clerk of the court in the said police office: and all recognizances from persons obtaining licenses or permits to retail strong or spirituous liquors within the said city, in future shall be lodged in

Certified copies of certain recognizances to be lodged in said office.

the said police office: and it shall be the duty of the said special justices, at all times, to be vigilantly observant of the demeanor of the several persons bound by any such recognizance, in respect to the matters for which they shall be so respectively bound:

Recognizance when to be estreated into the exchequer. and if at any time there shall appear to either of the said special justices probable cause for supposing any such recognizance to have become forfeited, the clerk of the said police office shall thereupon estreat such recognizance into the court of exchequer, unless the same shall have been taken from persons obtaining licenses or permits to retail strong or spirituous liquors within the said city: and if such recognizance shall have been taken from any person obtaining such license or permit, then the said clerk shall deliver such recognizance to the common council of the said city: and in each case the said clerk shall deliver, with the said recognizance, a memorandum in writing of the facts from which such probable cause shall have arisen, and of the names, occupations and places of abode of the witnesses, to prove such facts.

Salary of the justices. XXVII. *And be it further enacted,* That there shall be allowed to each of such special justices a salary at the rate of seven hundred and fifty dollars per annum, together with such fees as are by law allowed to justices of the peace. **And fees.** And to the said clerk of the said police office, a salary at the rate of seven hundred and fifty dollars per annum, together with the fees herein after mentioned: but this provision shall not be deemed to prohibit the mayor, aldermen and commonalty of the said city, in common council convened, from making such further and additional allowance to the said special justices and clerk, and to provide for the further expenses of the said police office as they shall judge necessary and proper: and the whole of the said expenses, comprehending the said salaries, shall be deemed a part of and shall be defrayed as the other contingent charges of the said city and county.

Expenses of the office how defrayed. **Clerk's fees.** XXVIII. *And be it further enacted,* That it shall be lawful for the clerk of the police in the city of New-York, to receive the following fees, to wit: For drawing every affidavit, twelve and an half cents; every warrant, six and one fourth cents; every recognizance, six and one fourth cents; every warrant or summons in bastardy, twelve and an half cents; drawing every order in bastardy, twenty-five cents; every commitment, six and one fourth cents; every discharge, six and one fourth cents; drawing acknowledgment of satisfaction, and entering the same on minutes, twenty-five cents; taking examination, twelve and an half cents; to be paid by the party applying for such services: but nothing herein contained shall extend to cases of felony.

Special justices duty respecting the property of certain intestates. XXIX. *And be it further enacted,* That upon the death of any person intestate, not leaving a widow or next of kin of competent age, within the said city to take upon themselves the administration of the goods, chattels and credits of such intestate, as may be within the said city, it shall and may be lawful for the said special justices, or either of them, to take such measures as they, or either of them, shall think proper for guarding and securing the property and effects of such intestate from embezzlement, un-

til administration thereof shall be granted to the chamberlain of the city of New-York, the expenses whereof shall be paid by the said administrator, in preference to any debts whatsoever, and immediately after the funeral charges of the intestate shall be discharged.

XXX. *And be it further enacted,* That it shall be the duty of the said special justices, on the first Monday in January and July, in each and every year, to account upon oath before the mayor, or in his absence, the recorder of the said city, for all such monies, goods, wares and merchandizes, as shall then be remaining unclaimed in the said police office; and immediately thereafter to give public notice, for six weeks, in one of the papers printed in the city of New-York, to all persons interested in, or claiming the said property, to make proof thereof on or before a day therein to be named: *Provided,* That if any goods, wares and merchandizes, which are of a perishable nature, shall at any time remain unclaimed in the said police office, it shall be lawful for the said special justices to sell the same, at such time and after such notice as to them shall seem proper.

Justices when
and how to ac-
count for mo-
nies, goods, &c
unclaimed in
said office.

XXXI. *And be it further enacted,* That the said special justices, if satisfactory proof of property shall be made before them, shall, after payment of all expenses incurred, immediately cause the said property, proved to belong to such claimant as aforesaid, to be delivered over to him or his lawful attorney.

Upon proof of
property to
restore same
to owner on
paying expen-
ses.

XXXII. *And be it further enacted,* That it shall be the duty of the said special justices to cause all property remaining unclaimed after said notice, (money excepted) to be sold at public auction to the highest bidder. And it shall also be their duty forthwith to pay the proceeds of such sale, and on the expiration of the notice aforesaid, the monies in their hands into the city treasury, first deducting the charges of said notice and sale.

Unclaimed
property to be
sold at public
auction, and
proceeds paid
to city treas-
urer.

XXXIII. *And be it further enacted,* That the mayor of the said city shall, from time to time, select as many of the constables and marshals thereof, as he may deem requisite for police officers, whose duty it shall be to attend daily at the said police office, and execute the commands and orders of the said justices.

Mayor to se-
lect officers to
attend police
office.

XXXIV. *And be it further enacted,* That the fund so as aforesaid deposited in the city treasury, shall be applied to compensate the said police officers for extraordinary services and to promote the detection and apprehension of offenders, the accounts for which shall be certified by the said justices, and on being approved of by the mayor, shall be paid out of the said fund on a warrant being directed by the common council for that purpose.

Proceeds of
sales of un-
claimed prop-
erty how dis-
posed of.

XXXV. *And be it further enacted,* That it shall and may be lawful for the said special justices, with the approbation of the mayor, to employ an assistant clerk who shall be compensated out of the said fund, or in such other way as the common council shall direct.

Assistant
clerk to be ap-
pointed.

XXXVI. *And be it further enacted,* That it shall be the duty of the said special justices, and they are hereby authorised, whenever they have reason to suspect that any complaint for a misdemeanor is unfounded, to compel the attendance of witnesses, in

Special justi-
ces may com-
pel the at-
tendance of
witnesses in
certain cases.

order to examine into the truth of such complaint; and if on such investigation it shall appear that the charge is not supported, it shall be dismissed.

Watchmen to obey the orders of the justices in certain cases.

Proviso.

XXXVII. *And be it further enacted*, That it shall be the duty of the watchmen of the said city to obey such orders and directions as they shall, from time to time, receive from the said special justices relative to the detection and apprehension of offenders: *Provided*, That such orders and directions shall not violate the ordinances of the common council for regulating the watch of the said city.

Duty of the just. as to persons detained by watch.

XXXVIII. *And be it further enacted*, That it shall be the duty of the said justices, or one of them, to examine all persons apprehended and detained in custody by the night watches of the said city, and to make such order thereon as the circumstances of each case and justice shall require, and likewise to superintend and direct the discharge of the said watch every morning upon the conclusion of the service of the night.

Justice to discharge watch.

And whereas disorderly persons committed as such to the bridewell of the city of New-York, frequently are desirous to be discharged upon their finding surety for their leaving the state and not returning within a certain given time: Therefore,

Disorderly persons how discharged on bond or recognizance.

XXXIX. *Be it further enacted*, That it shall and may be lawful for the mayor or recorder, or either of the special justices for preserving the peace in the city of New-York, to discharge any such disorderly person, on his or her entering into a bond or recognizance, with such security and to such an amount as may be deemed proper (but if not thought necessary, may be dispensed with) to the mayor, aldermen and commonalty of the city of New-York, conditioned, that such disorderly person shall leave the state within a given time, and not return again within a certain given time to be specified in such bond or recognizance, and also to be of good behaviour during the time he or she shall remain in the said city, previous to his or her leaving the same.

Bonds or recognizances entered into by such persons, where to be lodged.

XL. *And be it further enacted*, That all such bonds or recognizances entered into as aforesaid, shall be lodged in the office of the clerk of the said city of New-York, and on a breach of the condition thereof, it shall be lawful to sue and recover on any such bond or recognizance in any court having cognizance thereof.

Special justices have powers as justices of the peace in other counties.

Proviso.

XLI. *And be it further enacted*, That the special justices for preserving the peace in the city of New-York, and each of them, shall have and exercise the like powers in the said city, as are now exercised by justices of the peace in the different counties of this state: *Provided*, That nothing herein contained shall be construed to authorise said justices to try causes for the recovery of debts.

Further powers of special justices.

XLII. *And be it further enacted*, That the said special justices, and each of them, shall have and exercise the like powers as may be lawfully exercised out of the sessions by the aldermen of the said city in relation to all cases of bastardy, and to all cases respecting apprentices, servants and vagrants or vagabonds, arising within the said city, and shall also have power to take recognizances of special bail, and to administer oaths in causes de-

pending in the supreme court of this state, and in the court of common pleas, called the mayor's court, of the said city, and to take affidavits to be read in the said courts.

XLIII. *And be it further enacted*, That it shall be lawful for the common council of the said city, from time to time, to direct by an ordinance or ordinances, the keeping open of the said police office, for the transaction of the business thereof at all or at such times (Sundays excepted) and at such place or places as may be deemed most beneficial to the public. And it shall be the duty of the special justices, and all the officers employed in the police office, to obey such ordinances.

Com. council
to direct when
and where
police office
shall be kept
open.

XLIV. *And be it further enacted*, That the number of marshals in the city of New-York shall not exceed sixty.

Number of
marshals li-
mited.

Ferries and rates of Ferriage between the City of New-York and the Island of Nassau.

XLV. *And be it further enacted*, That the rates or prices for carrying men, women, horses, cattle, grain and all other goods, merchandize and things whatsoever, in the ferry-boats from the city of New-York, to the island of Nassau, or from the island of Nassau to the city of New-York, shall be as follows : that is to say,

Rates of fer-
riage between
N. York and
Nassau-Island.

For every horse, mare or gelding, with or without a saddle, twelve and an half cents.

Every fat ox, steer or bull, twenty-five cents : for all other neat cattle, eighteen cents ; the ferry-master to find the necessary head ropes to fasten and secure the cattle in the boats.

Every live calf, hog or sheep, three cents ; every lamb, two cents.

Every dead calf, hog or sheep, two cents ; every dead lamb, pig or shote, one cent.

Every quarter of beef, three cents.

Every firkin of butter, lard or tallow, two cents.

Every pail or tub of butter, lard or tallow, one cent.

Every other package of butter, lard or tallow, three cents per cwt :

Every cheese, one quarter cent.

Every ham, an half cent.

Every hundred weight of bar-iron, nail-rods, nails, steel, shot, painter's colours, lead, pewter, rice, sugar, copperas, allum, brimstone, dye-wood, or any other kind of grocery, commonly sold by the hundred, three cents.

Every hundred weight of copper, brass, or iron hollow ware, six cents.

Every hundred weight of gun-powder, six cents.

Every hundred weight of beaver, raccoon skins or coats, or other furs, four cents.

Every bushel of salt, wheat, rye, Indian-corn, buckwheat, flax-seed, or any other article of grain, commonly sold by the bushel, an half cent.

Every bushel of apples, pears, peaches, potatoes, turnips, walnuts, green beans and peas, and every other article sold by the bushel, heaped measure, an half cent.

- Every hundred of sheeps-head, shad or bass, twelve and an half cents.
- Every hundred perch, three cents.
- Every bag full of flour, meal or bread, not exceeding two bushels, one cent.
- Every barrel of wheat or flour, rye or Indian-meal, three cents.
- Every barrel of bread, two cents.
- Every hogshead or pipe of wine, rum, brandy or molasses, containing one hundred and twenty gallons, thirty-seven and an half cents, and in that proportion for casks of a greater or less size.
- Every barrel of soap, six cents.
- Every hogshead of cider, twenty cents.
- Every barrel of cider, six cents.
- Every barrel of beef or pork, six cents.
- Every empty pipe or hogshead, six cents.
- Every empty tight barrel, two cents.
- Every empty flour cask, one cent.
- Every turkey, goose, brandt, or other wild or tame fowl, one quarter of a cent.
- Every dozen of small birds, one quarter of a cent.
- Every hundred eggs, two cents.
- Every coach, eighty cents.
- Every phaeton, fifty-five cents.
- Every one horse chaise with standing top, thirty-one cents.
- Every other riding chair or gig, twenty-five cents.
- Every sulkey, twenty cents.
- Every waggon, thirty-seven and an half cents.
- Every double sleigh, twenty cents.
- Every single sleigh, fifteen and an half cents.
- Every pair of cart-wheels, twelve and an half cents.
- Every pair of chair or waggon-wheels, six cents.
- Every thousand three feet shingles, fifty cents.
- Every thousand shingles from twenty-four to twenty-seven inches in length, thirty-one cents.
- Every thousand shingles from eighteen to twenty-two inches in length, twenty-five cents.
- Every thousand feet of joice or scantling, thirty-one cents.
- Every board of one inch thick twelve inches wide and fourteen feet long, three quarters of a cent; and in that proportion for boards and plank of different lengths and thickness.
- Every hundred lath for shingling, twenty-five cents.
- Every thousand cedar or pine lath, for ceiling, twelve and an half cents.
- Every cedar bolt, one cent.
- Every hundred of pine-staves or heading, fifteen cents.
- Every hundred of hogshead staves or heading, twelve and an half cents.
- Every hundred of barrel staves or heading, eight cents.
- Every hundred feet of window-glass, three cents.
- Every tierce of lime, twelve and an half cents.
- Every bushel of loose lime, two cents.
- Every hundred bricks, six cents.

- Every full trunk or chest, four feet long, six cents ; if empty, three cents.
- Every full trunk or chest three feet long, four cents ; if empty, two cents.
- Every full trunk or chest two feet long, two cents ; if empty, one cent.
- Every full trunk or chest less than two feet in length, one cent ; if empty, an half cent.
- Every book-case or cupboard, twenty-five cents.
- Every secretary or chest of drawers, twenty cents.
- Every mahogany dining-table, eight cents ; of other wood, four cents.
- Every mahogany tea or card-table, four cents ; of other wood, two cents.
- Every piano forte, twenty cents.
- Every mahogany bedstead, four cents ; of other wood, two cents.
- Every clock and case, twenty-five cents.
- Every side-board, thirty-seven and an half cents.
- Every mahogany settee, twenty cents ; of other wood, six cents.
- Every mahogany cradle, six cents ; of other wood, four cents.
- Every dozen of windsor or other sitting chairs, twelve and an half cents.
- Every case with full bottles, four cents ; if empty, two cents.
- Every dozen wool or cotton cards, two cents.
- Every bale of cotton or wool, ten cents.
- Every hundred weight of cotton or wool, (not in bales) six cents.
- Every dozen scythes, two cents.
- Every corn fan, one cent.
- Every piece of osnaburgs or duck, two cents.
- Every piece of blankets, duffels, coatings, or frize, four cents.
- Every piece of broadcloth, serge, shrouds, flannel, halfthicks or drugget, two cents.
- Every piece of duroy, calimancoes, shalloon, or linen, one cent.
- Every dozen of mens or boys hats, one cent.
- Every man's or woman's saddle, one cent.
- Every pair of blankets, one cent.
- Every rug, one cent.
- Every dozen of spades or shovels, two cents.
- Every looking-glass, as follows :
- plate six feet long, fifty cents.
 - plate five feet long, thirty cents.
 - plate four feet long, twenty cents.
 - plate three feet long, twelve cents.
 - plate two feet long, four cents.
 - All under one cent.
- Every picture as follows :
- glass four feet long or upwards, eight cents.
 - glass three feet six cents.
 - glass two feet, two cents.
 - All under one cent.
- Every dozen of frying-pans, two cents.
- Every empty firkin or pail, one quarter of a cent.

- Every empty two bushel basket, one quarter of a cent; and smaller in proportion.
- Every dozen of empty bags, one half cent.
- Every side of goat-leather, one cent.
- Every side of upper-leather, one half cent.
- Every calf-skin, one quarter of a cent.
- Every beef's hide, two cents.
- Every bear-skin or dry hide, or horse-skin, an half cent.
- Every barrel of tar, pitch, turpentine or rosin, six cents.
- Every ton of cordage, hemp, or flax, sixty-two and an half cents.
- Every coach body, twenty-five cents.
- Every chaise, chair, or sulkey body, nine cents.
- Every crate of earthen-ware, twelve and an half cents.
- Every cask of flax-seed, and dry beans or peas of seven bushels, seven cents.
- Every hundred oysters or clams, one cent.
- Every sheaf of straw, an half cent.
- Every feather-bed, three cents.
- Every cat-tail or straw-bed, one cent.
- Every mattress of hair or wool, two cents.
- Every chaldron of coals, fifty cents.
- Every cord of nut-wood, eighty cents.
- Every cord of oak, or other wood, seventy cents.
- Every kettle of milk, of eight gallons or upwards, two cents.
- Every empty milk kettle, one cent.
- Every musket or fowling piece, one cent.
- Every ream of paper, one cent.
- Every fruit or other tree, more than six, or less than ten feet long, an half cent; all under, a quarter cent.
- Flowers or shrubs in pots or boxes, an half cent.
- Every corpse of an adult, twenty-five cents; of a child twelve and an half cents.
- Every hundred weight of hay, ten cents.
- Every dog, four cents.
- Every passenger, two cents.
- Every horse boat of household furniture, when a single boat is required, one hundred and fifty cents.

Larger quantities, or wt. in the same proportion

And whenever a certain rate of ferriage is fixed for any particular quantity or weight of goods or merchandize, a proportionable rate shall be taken for any greater or less quantity or weight of the same goods: *Provided always*, That no ferriage shall be paid for a suckling child, or for such small articles not before enumerated, as a woman carries in her apron, or a man or a boy in his hand, or under his arm.

Ferriage for articles not specified, to be paid according to above rates, in proportion to quantity or weight

XLVI. *And be it further enacted*, That the ferriage of all other goods, merchandize, and things whatsoever, not specified in this act, from the city of New-York to the island of Nassau, or from the island of Nassau to the city of New-York, shall be paid according to the rates above specified, in proportion to the weight or quantity transported, and not otherwise; and if any person shall refuse to pay the ferryman the rates and prices of ferriage established by this act, the person so refusing shall for-

Persons refusing to pay to forfeit treble

feit and pay to such ferryman treble the rate to which such person was liable by this act, to be recovered with costs of suit, in any court having cognizance thereof; and if any disputes shall arise, concerning the rates or prices of ferriage, for any goods or commodities not particularly expressed in this act, and the matter be brought before any justice of the peace by the contending parties, such justice shall hear and determine the same, so as to him shall appear to be conformable to the true intent and meaning of this act, and shall award costs against the party in default.

Disputes concerning ferries how settled

XLVII. *And be it further enacted,* That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, to demand and receive the rates and prices of ferriage aforesaid, for the said ferriage from and to the said city as aforesaid, and may establish and keep one or more ferries between the said city and the island of Nassau as aforesaid.

Corporation of New-York entitled to the ferriage

XLVIII. *And be it further enacted,* That if any ferryman or his servant shall ask, demand, or take any greater or other rates of ferriage from the said city of New-York, to the island of Nassau, or from the said island of Nassau, to the said city of New-York, than are herein before established, the person so offending shall, for every offence, forfeit and pay the sum of two dollars and fifty cents.

Penalty for demanding or taking more than lawful ferriage

XLIX. *And be it further enacted,* That the ferry-masters or keepers of the ferries, shall have the rates of all the articles enumerated in the forty-fifth section of this act, together with the fines and penalties relating to ferries, printed on a large sheet of paper, and always keep those rates up in a conspicuous place in the ferry-houses at the ferries: and if any or either of the said ferry-masters, or keepers of said ferries, shall neglect to put up or keep the said lists as aforesaid, the person so offending shall be liable to a fine of three dollars for every day he shall so neglect the same, to be recovered at the suit of any person who shall sue for the same before any court having cognizance thereof.

Ferry-master to put up the rates of ferriage in a conspicuous place in ferry-houses under a penalty

And whereas the ferry-boats are frequently employed in jobbing and transporting goods and merchandize from places having no connection with the said ferry, whereby the public suffer great inconvenience, for remedy whereof,

L. *Be it further enacted,* That the owner or keeper of every ferry-boat, shall have his name painted with white letters three inches in length, on a black ground, on the outside of the stern of his boat, and the words ferry-boat in like manner on the inside of the stern of every boat, and the owner or keeper of every ferry-boat who shall neglect to have his boat lettered as aforesaid, shall be liable to a fine of three dollars for every week he shall so neglect the same, and the owner or keeper of every ferry-boat who shall employ, or suffer the same to be employed in any other business, except from ferry-stairs to ferry-stairs on both sides of the river, shall be liable to a fine of fifteen dollars for every offence, to be recovered at the suit of the overseers of the poor of the city of New-York, or of the town of Brooklyn, which ever first

Ferry-boats to be lettered with owners name, etc. under a penalty.

Ferry-boats to be employed only on the ferry.

shall sue for the same before any court having cognizance thereof.

Hours during which ferry-boats are to be kept in readiness.

Passage not to be delayed more than five minutes.

Proviso.

Inhabitants of Brooklyn may transport their goods in their own boats.

Proviso.

No person but corporation of N. Y. to keep a ferry between said city and Nassau Island under a penalty.

Barges for passengers to be kept at the ferries.

Number of men to manage ferry-boats.

Barges to be of certain dimensions.

LI. *And be it further enacted*, That the ferry-masters or owners of the ferry-boats, shall at all times in the months of May, June, July, August and September, in every year, have boats ready for the transportation of passengers and goods from an half an hour before sunrise in every morning to nine o'clock in the evening, and in all the other months in the year from sunrise to eight o'clock in the evening, and that no passenger shall be detained more than five minutes, under the penalty of fifty cents for every offence at any time, within the hours or times aforesaid: *Provided* the wind, weather, or ice, do not render the crossing of the river difficult or very dangerous.

LII. *And be it further enacted*, That it shall be lawful for any of the inhabitants of the town of Brooklyn, to transport their own goods in their own boats from the island of Nassau, to the city of New-York; and from the city of New-York, to the island of Nassau, without paying any ferriage for the same: *Provided*, however, that if any such inhabitant, under colour or pretext of transporting his or her own goods only, shall carry or bring over the said ferry, the goods of any other person, of what kind soever, with or without hire or reward, every such inhabitant shall, for every such offence, forfeit and pay to the ferry-man of such ferry, two dollars and fifty cents, to be recovered with costs of suit before any justice of the peace or court having cognizance thereof.

LIII. *And be it further enacted*, That no person other than the said mayor, aldermen, and commonalty, shall erect or keep a ferry between the said city and Nassau Island, for carrying or bringing of any passengers, horses, cattle, hogs, sheep, goods, merchandize, or other things whatsoever over the said ferry hereby rated, with or without any hire or reward under the penalty of one hundred and twenty-five dollars for every such offence.

LIV. *And be it further enacted*, That a sufficient number of barges shall at all times be kept at the ferries for the transportation of passengers, and that the ferry-masters shall not suffer any baggage or lumber whereby any passenger shall be incommoded to be put on board any of the said barges under the penalty of two dollars for every offence, to be paid to any person who shall sue for the same.

LV. *And be it further enacted*, That the ferry-masters shall constantly keep in their employ not less than two men to row in every barge, and two men in every horse-boat or large boat, and if any of them shall neglect to keep the number of men in every boat, the ferry-masters or keepers of any of the ferries aforesaid shall be liable to a fine of five dollars for every offence, to be recovered in the manner described by the fiftieth section of this act.

LVI. *And be it further enacted*, That every barge employed in the said ferries, shall not be less than twenty-two feet in length, nor less than five feet and a half in breadth: and that the ferry-masters or their agents, shall not admit more than eighteen

passengers on board any of those barges at one time, under the penalty of two dollars for every offence, to be recovered from the ferry-masters by any person who will sue for the same before any court, having cognizance thereof.

Number of passengers therein to be limited.

LVII. *And be it further enacted*, That the harbor-masters of the city of New-York, for the time being, shall be the persons who shall at all times, on the complaint of any person, determine whether the boats are in the order and condition in which ferry-boats ought to be kept.

Harbor masters to determine whether boats are in proper order.

LVIII. *And be it further enacted*, That all the penalties and forfeitures imposed by the part of this act, relating to ferries, and rates of ferriage, except where the same is herein before otherwise appropriated, may be recovered with costs of suit in any court having cognizance thereof, by any person who will sue for the same to effect, the one moiety thereof, when recovered, to be paid to the overseers of the poor of the city or town where the same shall be recovered for the use of the poor thereof, and the other moiety to the person who will sue for the same.

Penalties relative to ferries and ferriages, how recovered and appropriated.

For the more effectual Prevention of Fires.

LIX. *And be it further enacted*, That all dwelling-houses, store-houses, and other buildings, which from and after the passing of this act shall be built or erected within the city of New-York, (that is to say,) within that part of the said city to the northward of the point of the Battery, and a line beginning upon the East river opposite Montgomery-street; thence through Montgomery-street to Cherry-street; thence down Cherry-street to Roosevelt-street; thence through Roosevelt-street to Chatham-street; thence down Chatham-street to Chamber-street; and thence through Chamber-street to Broadway; thence up Broadway to Canal-street; then commencing again at Chamber-street and running to Hudson's river, including also the lots of ground on the northerly and easterly sides of the said streets, through which the above mentioned line runs, and including also the lots of ground fronting on both sides of Broadway, between Chamber-street and Canal-street, shall be made and constructed of stone or brick with party or fire-walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof with tile or slate, or other safe materials against fire; and not with boards or shingles: *Provided* such flat do not exceed two-fifths parts of such roof: And that there be erected around the same flat, a substantial balcony or balustrade: *Provided also*, That the said provisions and regulations shall not extend or apply to any building whatsoever that shall be erected or built upon any lands, tenements or hereditaments, whereon there was any building on the first day of June, in the year of our Lord one thousand eight hundred and twelve,) within the limits aforesaid; and northward and eastward of a line beginning upon the East river in a direct line from the corner of Montgomery and Cherry-streets; thence down Cherry-street to Pearl-street; thence down Pearl-street to Beekman-street; thence through Beekman-

Buildings erected within certain limits to be of brick or stone.

With party or fire-walls. Covered with tile or slate except the flat roof.

Proviso.

Further proviso.

street to Chatham-row; thence down Chatham-row, and across Broadway to Partition-street; thence through Partition-street, across Greenwich, Washington and West-streets to Hudson's river, except such buildings as may be built or erected on any lot or lots of ground on the northwardly or eastwardly sides of the said streets, through which the line aforesaid runs, by any lessee or lessees, or other person or persons possessed of a leasehold estate, or interest of and in such said lands, tenements or hereditaments for any term of years, whereof not more than ten years were, on the said first day of June, in the year of our Lord one thousand eight hundred and twelve, unexpired, under or by virtue of any lease or other contract actually subsisting and in force on the last mentioned day, and wherein there shall not be contained any clause or provision for any allowance or payment to the lessee or lessees, their executors, administrators or assigns, or any of them, at or before, or after the end or expiration of the said term, for or in respect of any building erected or to be erected on the said leasehold premises during the said term; but that it shall be lawful for any such lessee or lessees, or person or persons so possessed of a leasehold estate, or interest in any lands, tenements, hereditaments, or premises within the limits aforesaid, and northwardly and eastwardly of the line aforesaid, except as aforesaid, who shall be so circumstanced in respect to the said leasehold premises, and his, her or their estate and interest therein as aforesaid, to erect and build upon the said leasehold premises, whereof he, she or they, shall be so possessed, or upon any part thereof, any building whatsoever, which from the surface or level of the street or ground to which such building shall adjoin, either in the front or in the rear, to the foot of the rafter, shall be not more than twenty-five feet, with the materials, and in the manner the same may, on the day and year last mentioned, have been lawfully built or erected, any thing in this act contained to the contrary notwithstanding; but any buildings so to be built or erected upon any such leasehold premises, by any such lessee or lessees, or person or persons possessed of any leasehold estate or interest therein, being so circumstanced as herein aforesaid, which from the surface or level of the street or ground to which such building shall adjoin, either in the front or in the rear, to the foot of the rafter, shall be more than twenty-five feet, shall be made and constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered with tile or slate, or other safe materials against fire, and not with boards or shingles, except the flat roof thereof, such flat roof not to exceed two equal fifth parts of the space of the whole roof, and a substantial balcony or balustrade being erected around the same.

Penalty for building contrary to the preceding section.

LX. And be it further enacted, That if any dwelling-house, store-house, or other building whatsoever, shall be erected or roofed contrary to the preceding section of this act, the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of five hundred dollars; and every builder who shall build or roof, or assist in building or roofing such dwelling-house, store-house, or other building contrary to the said section, whether

He be the proprietor or not, shall, for every such offence, forfeit and pay the sum of two hundred and fifty dollars, to be recovered with costs of suit in any court of record within this state, by the treasurer or chamberlain of the said city, for the use of the poor thereof, and when recovered, shall be appropriated by the common council of the said city, in the same manner as the monies raised by tax, for the maintenance of the poor of the said city, are by law directed to be applied, and no such action or suit shall be abated or discontinued by the death, resignation, removal from office, or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect, by his successor in office.

How recovered and appropriated.

LXI. *And be it further enacted*, That all dwelling-houses, store-houses, and other buildings whatsoever, which after the passing of this act shall be built or erected within said city, (that is to say,) within the watch and lamp district of the said city, and not included in the fifty-ninth section of this act, and which from the surface or level of the ground to which such building shall adjoin, either in the front or in the rear, to the foot of the rafters, shall be more than thirty feet, or of more than two stories, shall be made and constructed of stone or brick, with party or fire walls, rising at least six inches above the roof, and shall be covered, except the flat roof thereof, with tile or slate, or other safe materials against fire, and not with boards or shingles: *Provided*, such flat do not exceed two equal fifth parts of the space of such roof, and that there be erected around the same, a substantial balcony or balustrade.

Certain buildings within other limits to be built of brick or stone and covered with tile or slate.

Proviso as to the flat roof.

LXII. *And be it further enacted*, That if any dwelling-house, store-house, or other building whatsoever, shall be erected or roofed contrary to the last preceding section of this act, the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of four hundred dollars; and every builder who shall build, roof, or assist in building or roofing such dwelling-house, store-house, or other building, contrary to the said last preceding section, whether he be the proprietor or not, shall, for every such offence, forfeit and pay the sum of two hundred dollars, to be recovered with costs of suit, in any court of record within this state, by the treasurer or chamberlain of the said city, for the use of the poor thereof, and when recovered, shall be appropriated by the common council of the said city in manner aforesaid, and no such action or suit shall be abated or discontinued by the death, resignation, removal from office, or other change of such treasurer or chamberlain, but shall and may be continued and prosecuted to effect by his successor in office.

Penalty for building contrary to the last section.

How recovered and appropriated.

And the more effectually to prevent the erection of any dwelling-house, store-house, or other building within the said city, contrary to this act:

LXIII. *Be it further enacted*, That every such dwelling-house, store-house, or other building, which after the passing of this act shall be erected or roofed within the said city, contrary to this act, shall be deemed a common nuisance, and the justices of the supreme court and the justices of the court of oyer and terminer and gaol delivery, and the justices of the courts of general ses-

Certain buildings declared nuisances.

Courts to charge grand juries to in-

quire and prevent of fences.

sions of the peace, shall within the said city have cognizance of such offences, and are hereby enjoined and required in all and every of the charges hereafter to be made or given by them to the grand juries in their respective courts, strictly to charge such grand jurors diligently to inquire of and to present all offences against this act, and the court to which an indictment or presentment shall be preferred for such offence, shall be, and hereby is empowered and enjoined, to prosecute such indictment, or cause the same to be prosecuted in the usual manner of prosecution, and upon conviction, to adjudge such fines and penalties as they in their discretion shall think fit and proper, and also in their discretion to cause such nuisance to be abated and removed.

And to impose fines and cause such nuisances to be abated.

Buildings how repaired.

LXIV. *And be it further enacted*, That if any dwelling-house, store-house, or other building already erected and now covered with boards or shingles within the said city southward and westward of the line last mentioned, shall at any time hereafter require to be new roofed, it shall and may be lawful for the proprietor or proprietors thereof to roof the same with boards or shingles, or in such other manner as was customary before the passing of this act, any thing herein contained to the contrary notwithstanding.

Roofs and steeples of churches, and certain other buildings may be built and covered with wood

LXV. *And be it further enacted*, That all roofs, steeples, cupolas and spires of churches and other public buildings, may be covered with boards and shingles, and all privies not exceeding ten feet square, and fifteen feet in height, and all fire engine houses, of the corporation, and all lime houses, which shall be erected by the express permission of the corporation, may be built of wood and boards, or brick and stone, and covered with boards or shingles, any thing in this act to the contrary notwithstanding.

Gun powder how & where to be kept

LXVI. *And be it further enacted*, That it shall not be lawful for any person or persons, to have or keep any quantity of gun-powder, exceeding twenty-eight pounds weight in any one place, house, store, or out-house, less than one mile to the northward of the city-hall of the said city, except in the public magazine, at the fresh water, which said quantity of twenty-eight pounds shall be separated in four stone jugs, or tin canisters, each of which shall not contain more than seven pounds: and if any person or persons, shall keep any greater quantity than twenty-eight pounds in any one place, house, store or out-house, or if the same gun-powder so permitted to be kept as aforesaid, shall not be separated in the manner herein above directed, he, she or they, shall forfeit all such gun-powder, so kept contrary to the true intent and meaning of this act, or so permitted to be kept, and which shall not be separated as aforesaid, and shall also forfeit the sum of one hundred and twenty-five dollars, for every hundred weight of powder, and in that proportion for a greater or less quantity, to be recovered with costs of suit in any court having cognizance thereof, by any person or persons who will sue for the same: *Provided always*, That all actions and suits to be commenced, sued or prosecuted, against any person or persons, for any thing done contrary to this and the two following sections of this act, shall be commenced, sued or prosecuted,

Under a penalty

Proviso, as to time of commencing suit

within two calendar months next after the offence committed, and not at any time thereafter.

And to avoid dangers from gun-powder, laden on board of any ship or other vessel arriving from sea,

LXVII. *Be it further enacted*, That the commander or owner or owners of every ship or other vessel, arriving from sea, and having gun-powder on board shall, within twenty-four hours after her arrival in the harbor, and before such ship or other vessel be hauled alongside of any wharf, pier or key, within the said city, land the said gun-powder, by means of a boat or boats or other small craft, at any place on the East river, east of Walnut-street, or at any place on the North river, to the northward of the outlet of Lispenard's meadow, which may be most contiguous to any of the magazines, and shall cause the same to be stored in one of the magazines now built or hereafter to be built for that purpose, on pain of forfeiting all such gun-powder, to any person or persons who will sue and prosecute for the same to effect, in manner aforesaid,

Commanders and owners of vessels to land and store gun-powder within 24 hours after arrival

Under penalty of forfeiting the same

And to prevent any evil consequences which may arise from the carriage of gunpowder,

LXVIII. *Be it further enacted*, That all gun-powder which shall be carried through the streets of the said city by carts, carriages or by hand or otherwise, shall be in tight casks well headed and hooped, and shall be put into bags or leather cases and entirely covered therewith, so that no powder may be spilled or scattered in the passage thereof, on pain of forfeiting all such gun-powder as shall be conveyed through any of the streets aforesaid, in any other manner than is hereby directed: And it shall and may be lawful for any person or persons to seize the same to his or their own use and benefit, and to convey the same to one of the magazines aforesaid, and thereupon to prosecute the person or persons offending against this act, before the mayor or recorder and any two aldermen of the said city, and such gun-powder upon conviction, shall be condemned to the use of the person seizing the same.

How gun-powder is to be conveyed through the streets

LXIX. *And be it further enacted*, That it shall and may be lawful for the mayor or recorder, or any two aldermen of the said city, upon application being made by any inhabitant or inhabitants of the said city, and upon his or their making oath of reasonable cause of suspicion, of the sufficiency of which the said mayor or recorder, or aldermen is and are to be the judge or judges, to issue his or their warrant or warrants, under his or their hand and seal, or hands and seals, for searching for such gun-powder, in the day time in any building or place whatsoever within the limits aforesaid, or in any ship or other vessel within forty-eight hours after her arrival in the harbor, or at any time after such ship or other vessel, shall and may have hauled along side any wharf, pier or key within the limits aforesaid; and that upon any such search it shall be lawful for the person finding any such gun-powder immediately to seize, and at any time within twelve hours after such seizure to convey the same to one of the magazines aforesaid: and the same gun-powder, being so removed, to detain and keep until it shall be determined by the

On suspicion of gun powder being concealed, how warrant to issue to search for same.

mayor or recorder and any two aldermen of the said city, whether the same is forfeited by virtue of this act and the person or persons so detaining the same shall not be subject or liable to any action or suit for the detention thereof: *Provided always*, That nothing in this clause of this act contained shall be construed to authorise any person having such warrant to take advantage of the same for serving any civil process of any kind whatsoever: *Provided also*, That nothing in this act contained shall extend to ships of war or packets in the service of the United States, or any of them, or of any foreign prince of state, nor to authorise the searching for gun-powder on board of any such ship or vessel while laying in the stream, and upwards of one hundred yards from the wharf or shore.

Proviso:

Gun-powder exceeding 28 pounds found during a fire, may be seized, and condemned.

LXX. *And be it further enacted*, That if any gun-powder, exceeding twenty-eight pounds shall be found in the custody of any person during any fire or alarm of fire in the said city, by any fireman of the said city, it shall be lawful for him to seize the same without warrant from the mayor, or recorder, or aldermen, and to cause the same to be condemned in manner aforesaid, to his own use, any thing in this act to the contrary notwithstanding.

Sulphur, hemp and flax, to be kept only in places approved by common council.

LXXI. *And be it further enacted*, That from and after the passing of this act, no greater quantity of sulphur than ten hundred weight, and no greater quantity of hemp or flax than twenty hundred weight, shall be put, stored or kept, in any one place in the city of New-York, to the southward of the fresh water in the sixth ward, nor to the southward of Rutgers' slip in the seventh ward, other than in such proper place or places as shall be appointed and approved of by the mayor, aldermen and commonality of the said city, in common council convened, under the penalty of twenty-five dollars for every offence or refusal to remove the same, to be recovered with costs of suit in any court of record within this state by the treasurer or chamberlain of the said city, to be applied towards the support of the poor of the said city.

Penalty

Pitch, tar, turpentine, rosin, etc. to be kept only in places approved by the common council.

LXXII. *And be it further enacted*, That no pitch, tar, turpentine, rosin, spirits of turpentine, linseed oil, or shingles shall be put in any place in the city of New-York, to the southward of the fresh water, other than in such places as shall be appointed and approved of by the mayor, aldermen and commonality of the said city, under the penalty of twenty-five dollars for every offence or refusal to remove the same, to be sued for and recovered with costs before any court having cognizance of debts to that amount by any person who will sue for the same, and when recovered, to be paid to the chamberlain of the said city for the use of the poor thereof: *Provided however*, That it shall be lawful for any of the ship-chandlers in the said city to keep in any inclosure within the limits aforesaid, a quantity of pitch, tar, rosin or turpentine, not exceeding in the whole twenty barrels at any one time.

Penalty

Proviso.

Penalty for firing guns, etc. in parts of the city.

LXXIII. *And be it further enacted*, That if any person shall fire or discharge any gun, pistol, rocket, cracker, squib or other fire-work in any street, lane or alley, garden or other inclosure, or from any house, or in any other place where persons frequently walk to the southward of the fresh water, every such person, for

every such offence shall forfeit and pay two dollars and fifty cents, to be sued for, recovered and applied as is directed in and by the last preceding section of this act; and in case any such offender be a slave, the owner or possessor of such slave shall be answerable in the same manner as if the act had been done by such owner or possessor.

How recovered and applied Master answerable for offences of slave.

LXXIV. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the said city, in common council convened, and they are hereby required from time to time, and as often as it shall be necessary, to appoint a sufficient number of strong, able, discreet, honest and sober men, willing to accept such appointment, being freeholders or freemen of the said city, to have the care, management, working and using the fire-engines, and the other tools and instruments now provided, or hereafter to be provided, for extinguishing of fires within the said city; which persons so to be appointed shall be called the firemen of the city of New-York, and who, with the engineers of the same city, are hereby required to be ready at all times, as well by night as by day, to manage, work and use the same fire-engines, and other the tools and implements aforesaid.

Firemen to be appointed by com. council.

To be freeholders or freemen.

Their duty.

LXXV. *And be it further enacted*, That the persons so to be appointed firemen, and every of them, during their continuance in that office, and no longer, shall be exempted from serving in the office of constable, and from being impannelled or returned upon any juries or inquests, and of and from militia duty, within the said city, except in cases of invasion or other imminent danger; and the names of all firemen to be appointed by virtue of this act, shall be registered with the clerk of the peace of the said city, and his certificate shall be sufficient evidence in all courts and cases of such exemption: *And further*, That it shall be lawful for the mayor, aldermen and commonalty of the said city, in common council convened, to remove all or any of the firemen now appointed, or to be appointed by virtue of this act, when, and as often as they shall think fit, and to appoint others in their stead.

Firemen exempted from certain public duties.

Their names to be registered.

Removable by the common council.

LXXVI. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the said city, in common council convened, to make and ordain such rules and regulations in respect of the government and duty of the persons by them appointed firemen, in the working, managing and frequent exercising, trying and using of the same fire-engines, tools, and other instruments, and to impose and establish such reasonable fines, penalties and forfeitures upon them, or any of them, for default or neglect of the duties and services thereby to be required from them, as they shall from time to time think proper.

Com. council to make rules and regulations for firemen.

And impose fines.

LXXVII. *And be it further enacted*, That upon the breaking out of any fire within the said city, the sheriff, deputy sheriffs, constables and marshals, upon notice thereof, shall immediately repair to the place where such fire shall happen, with their rods, staves, and other badges of authority, and be aiding and assisting, as well in the extinguishing of the said fires, and causing the persons attending the same to work, as in preventing any goods or household furniture from being stolen at such fires, and shall

Duty of sheriff, deputy sheriffs, constables and marshals, in case of fire.

seize all persons whom they find stealing or pilfering, and the officers aforesaid shall also give their utmost assistance to the inhabitants in removing and securing their said goods and furniture; and in the execution of the duties required from them by this act, shall be obedient to the orders of the mayor, recorder and aldermen of the said city, or such of them as shall be present at such fires.

Com. council
to order inha-
bitants to pro-
vide fire-buck-
ets.

LXXXVIII. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the said city, in common council convened, by ordinances by them for that purpose to be made, to direct the inhabitants or owners of houses and other buildings in the said city, to furnish themselves with such, and so many fire-buckets, to be ready in their respective houses and other buildings, for the purpose of extinguishing fires which may happen in the said city, and to impose and establish such reasonable fines, penalties and forfeitures for every neglect, default or disobedience thereof, as they shall think proper.

And to impose
penalties for
neglect.

Loss of fire-
buckets, when
& how borne
by the corpo-
ration.

LXXXIX. *And be it further enacted*, That in case any person shall lose any bucket at any fire which may happen in the said city, and shall within sixty days thereafter make proof thereof before the mayor, recorder, or one of the aldermen of the said city, of the value of such bucket, and that the same was actually lost or destroyed in that service, in such case the mayor, aldermen and commonalty of the said city, in common council convened, shall by warrant under the hand of the mayor or recorder, presiding at such common council, directed to the chamberlain of the said city, order the value of such bucket to be paid to such person so making proof of the loss thereof, out of any monies remaining in his hands for the contingent expenses arising in the said city; and if any person shall at any time thereafter be convicted of having taken a false oath touching the premises, such person shall incur the penalties of wilful and corrupt perjury.

Lost buckets
to whom to
belong when
found.

LXXX. *And be it further enacted*, That if any such buckets so proved to be lost, shall afterwards be found, the property thereof shall thenceforward be in the mayor, aldermen and commonalty of the city of New-York, unless the owner thereof will take back the same, and return the money allowed and paid for the loss thereof.

In case of fire
the mayor, &c.
may order
buildings to be
pulled down.

LXXXI. *And be it further enacted*, That when any building or buildings in the city of New-York shall be on fire, it shall be lawful for the mayor, or in his absence the recorder of the city, with the consent and concurrence of any two of the aldermen thereof, or for any three of the aldermen, to direct and order the same, or any other building which they may deem hazardous, and likely to take fire, or to convey the fire to other buildings, to be pulled down or destroyed; and upon the application of any person interested in such building so pulled down or destroyed, to the mayor or recorder, or any two aldermen, it shall be their duty to issue a precept for a jury to inquire of and assess the damages which the owners of such building, and all persons having any estate or interest therein, have respectively sustained by the pulling down or destroying thereof; which precept shall be issued, directed, executed, returned and proceeded upon, and the pro-

Damages sus-
tained there-
by, how ascer-
tained.

proceedings thereon shall take effect, as nearly as may be, in such manner as by the two hundred and nineteenth section of this act are directed, in relation to ground taken for the purposes therein mentioned; and the said inquiry and assessment having been confirmed by the mayor's court, the sums assessed by the said jury shall be paid by the said mayor, aldermen and commonalty, to the respective persons in whose favour the jury shall have assessed the same, in full satisfaction of all demands of such persons respectively by reason of the pulling down or destroying such building; and the mayor's court, before whom any such process shall be returnable, shall have power to compel the attendance of jurors and witnesses upon any such assessment of damages.

And to be paid by corporation to persons sustaining loss

LXXXII. *And be it further enacted,* That during the actual prevalence of any such fire as aforesaid, it shall and may be lawful for the mayor, recorder and each of the aldermen of the said city, to remove or cause to be removed and kept away from the vicinity of such fire, all idle and suspicious persons, and all persons not fit to be employed or not actually and usefully employed in the judgment of the said mayor, recorder or aldermen, in aiding the extinguishment of such fire or in the preservation of property in the vicinity thereof.

Idle and suspicious persons may be removed from fires.

LXXXIII. *And be it further enacted,* That the sum assessed by such jury as aforesaid, for any building so pulled down or destroyed as aforesaid (the same assessment and inquiry having been confirmed by the court) shall, together with the expenses of the proceedings for such assessment, be borne and defrayed by the said mayor, aldermen and commonalty.

Damages for pulling down buildings in time of fire, to be borne by com. council.

LXXXIV. *And be it further enacted,* That the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall from time to time, and as often as they deem it necessary, have power to pass and provide for the due execution of ordinances, as they may deem proper, for the more effectual prevention and extinguishment of fires in the said city, and to compel the attendance of all engineers and firemen, and such other persons as they may deem necessary to assist at the extinguishment of fires, and to prescribe the duties required of such engineers, firemen and other persons; and also to regulate the keeping, carting, conveying or transporting of gun-powder or any other combustible or other dangerous material, within the bounds of the said city, and to provide for the forfeiture thereof, if the same shall be kept contrary to such law; and also to regulate the use of lights and candles in livery and other stables within the same city; and also to remove or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle or apparatus used in any manufactory or business which may be dangerous in causing or promoting fires; and also to direct the construction of deposits for ashes in safe and suitable places, and of materials secure against fire; and for that purpose to authorise such suitable officer or officers as they may think proper, and at such reasonable times as they shall appoint, to enter into and examine all dwelling-houses, lots, yards, inclosures and buildings of every description within the said city, to examine and discover whether any danger exists therein; and in order that proper measures

Com. council authorised to pass ordinances for the extinguishment & prevention of fires.

may be taken to provide for the safety of the inhabitants of the neighborhood.

Justices' Courts.

Assistant justices, how many and by whom to be appointed.

Causes of which they have jurisdiction.

Causes of which they have no jurisdiction.

Assistant justices vested with such powers as are usual in courts of record.

Assistant justices to sign process.

Process to be by summons or warrant.

LXXXV. *And be it further enacted*, That the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, shall appoint and commission one proper person in and for each of the respective wards of the city of New-York, except the ninth ward, and two proper persons in and for the said ninth ward, to be known and distinguished by the name of assistant justices of the city of New-York; each of which said assistant justices, respectively, is hereby authorised and required to hold a court for the trial of all actions of debt, detinue, account, covenant, trespass on the case, and trespass, including trespass on any land or other real estate, wherein the sum or balance due, or damages or thing demanded, shall not exceed twenty-five dollars; and also all penalties, not exceeding the said sum, imposed by the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns;" and also all penalties, not exceeding the said sum, imposed by any by-law or ordinance of the mayor, aldermen and commonalty of the said city, in common council assembled; and also all sums of money, not exceeding the amount of twenty-five dollars, to be sued for and recovered in any court of record by virtue of any statute of this state, and generally all such actions as are cognizable or triable by and before justices of the peace in the respective counties of this state, and to hear, try and determine the same, according to law and equity: *Provided always*, That the said assistant justices shall not have cognizance of any action wherein the people of this state shall be concerned, or where the title of any lands shall in any wise come in question, except actions of trespass on land as aforesaid, nor of any action of assault, battery or imprisonment, or of slander, nor of matters of account where the sum total of the accounts of both parties exceeds in the amount or value thereof the sum of two hundred dollars, and that account proved to the satisfaction of the said court, nor of any action to be brought by or against any executor or administrator, for any debt or demand due to or from the estate of any testator or intestate: *And provided also*, That the several persons now holding the said offices of assistant justices in the said city, shall continue to hold the same until others shall be appointed and commissioned in their stead.

LXXXVI. *And be it further enacted*, That every of the said assistant justices is hereby vested with all such power, for the purposes aforesaid, as is usual in courts of record in this state, and in the same manner as the justices of the peace in the several counties of this state: *And further*, That each of the said assistant justices shall sign all process to be issued out of such court, so to be held by him as aforesaid.

LXXXVII. *And be it further enacted*, That every such assistant justice, upon application to him made, for the recovery of any such debt, damages or demand, shall issue a summons or warrant,

as the case may require, directed to any constable or marshal of the said city, commanding him, when a summons is issued, to summon the defendant to appear before such assistant justice, at a certain time and place in the said summons to be expressed, not less than six, nor more than twelve days, from the time of issuing such summons, to answer the plaintiff of a plea in the same summons to be mentioned: and when a warrant is issued, then commanding the constable or marshal to take the defendant and bring him or her forthwith before such assistant justice, to answer the plaintiff of the plea in the same warrant mentioned, and upon the return of such summons, if the same be duly served, or upon bringing the defendant before such assistant justice by virtue of any such warrant, or at such other time and place as the said assistant justices shall think reasonable to appoint, not exceeding six days thereafter, the said assistant justice shall proceed to hear and examine the allegations and proofs of the parties, and within four days thereafter give judgment therein, in such manner as shall appear to him to be agreeable to law and equity, together with costs of suit as hereafter allowed.

Summons.

Warrant.

Judgment to be given in 4 days after trial

LXXXVIII. *And be it further enacted*, That the first process to be issued by any of the said justices against all freeholders and inhabitants having families, except as hereafter is excepted, shall be by summons, which shall be served at least six days before the time of appearance mentioned therein, by reading the same summons, and delivering a copy thereof, when required, if such defendant shall be found; and if not, by leaving a copy thereof at his or her house or place of abode, in the presence of some one of the family of suitable age and discretion, who shall be informed of the contents thereof; and the constable or officer serving such summons, shall, upon the oath of his office, endorse thereupon the time and manner he executed the same, and sign his name thereto; and in case the defendant does not appear at the time and place appointed in such summons, and it shall appear by the return endorsed thereon, that the summons was duly served upon the person of the defendant in the manner aforesaid, and no sufficient reason shall appear to the assistant justice why the defendant does not appear at the time appointed, then the said assistant justice who issued the said summons, shall proceed to hear and try and determine the said cause in the same manner as if the defendant had appeared; but if such summons was served only by leaving a copy thereof at the house or place of abode of the defendant as aforesaid, and the defendant does not appear at the time and place appointed in such summons, and no sufficient reason shall appear to the assistant justice why the defendant does not appear, then the said assistant justice shall issue a warrant against such defendant, in the manner aforesaid, and proceed as above directed, unless the plaintiff shall elect to have a new summons against such defendant. And in all cases where a sufficient reason shall appear to the assistant justice, why the defendant does not appear at the time and place appointed in the summons, the assistant justice shall give to the defendant such further time as he shall think reasonable, and at such time so given, the assistant justice shall and may proceed as aforesaid.

First process against freeholders, or persons having families. How served.

If served personally, and defendant does not appear, justices to proceed to trial.

If served by leaving copy, and defendant does not appear, a warrant shall issue.

Unless plaintiff elects to have a new summons. Defendant not appearing on summons may on special cause being shown have further time.

Court of ass't.
justice held in
their respec-
tive wards.

LXXXIX. *And be it further enacted,* That each of the said assistant justices shall hold a court for the trial of all such actions in the ward for which he shall be appointed ; which court shall be constantly open at seasonable hours, and every day, (Sundays excepted) and in all cases where a warrant shall be issued by virtue of this act, and upon service thereof, the assistant justice who issued the same shall be absent, or unable to hear and try the cause, it shall and may be lawful for the constable or marshal, or other proper officer serving such warrant, to carry the defendant before the assistant justice of either of the next adjoining wards to that where the assistant justice by whom the said process may have been issued, shall reside ; and such other assistant justice shall take cognizance of, and hear, try, and determine the cause in the same manner as he could or might have done if he had issued the warrant by virtue of which the defendant shall be taken, but in all other cases where any process shall be issued by any of the said assistant justices in pursuance of this act, and served on the defendant for any debt, damages or demand, of what nature soever, the cause shall be tried before the assistant justice who first issued such process, and not before any other : *And further,* That where any parties shall agree to enter an action before any assistant justice without any process, such assistant justice shall proceed to trial in the same manner as if a summons or warrant had been issued.

In case of the
absence etc.
of justice who
issued warrant
who may try
cause.

In all other
cases justice
who issues
process shall
try the cause.

Trial may be
without pro-
cess by con-
sent of parties.

Warrant in
certain cases
to issue in the
first instance
against free-
holders and
inhabitants
having fami-
lies.

Proviso as to
females:

XC. *And be it further enacted,* That if any plaintiff, or his or her attorney, so applying for process, shall prove upon oath to the satisfaction of the assistant justice, that if such process be by summons against any freeholder or inhabitant having a family, the plaintiff will be in danger of losing his debt or demand thereby, or doth really and sincerely believe that such freeholder or inhabitant will depart the city of New-York, or if the action shall be for any sum or penalty on any statute, or on the said charter or by-law of the said corporation, that then or in either of such cases, the assistant justice, (to whom such application shall be made,) shall issue a warrant against such defendant : *Provided,* That no warrant shall in any case whatever issue against any female : *And further,* That where the plaintiff in any action aforesaid, shall not reside in the said city, and shall give security to pay the debt and damages and costs of suit, in case judgment shall be given against him or her, then and in that case such plaintiff may have a warrant returnable immediately.

Adjournment
of trial.

XCI. *And be it further enacted,* That where a warrant shall be issued for a non-resident plaintiff as aforesaid, the assistant justice before whom the cause is to be tried, shall not adjourn the same for a longer time than three days, unless the parties otherwise agree ; and in all other cases where a warrant shall be issued, if the plaintiff or defendant shall require a longer time than is at first appointed by the court to try the said cause, and will, if required, give sufficient security to appear and stand trial on such other day as shall be appointed, then the assistant justice is hereby empowered and required to adjourn the trial of such cause, to any day he shall judge most convenient, not exceeding twelve days,

nor less than three days, unless the assistant justice and parties shall otherwise agree : *Provided always*, That if any adjournment be made without the consent of the plaintiff, in any case where a warrant shall be issued as aforesaid, the defendant shall give sufficient security to appear on the day to which such adjournment shall be made, and in default of such appearance, to pay the debt and costs, if judgment shall be given against such defendant, and for want of such security, the assistant justice shall proceed to trial without an adjournment. Proviso.

XCII. *And be it further enacted*, That in cases not provided for by the last section of this act as aforesaid, and the defendant shall make oath that he or she cannot, for want of some material testimony or witness, safely proceed to trial, the assistant justice shall in such cases, postpone the trial for such reasonable time as will enable the defendant to procure such testimony or witnesses : *Provided*, That such time shall not exceed three calendar months : *And provided also*, That such defendant, before he shall be entitled to have the trial postponed as aforesaid, shall give security to the said assistant justice, to appear and answer the said action, and to pay the debt and damages and costs in case judgment shall be given against him or her : *And provided also*, That in any action to be brought before any of the assistant justices by virtue of this act, by warrant or otherwise, if either the plaintiff or defendant shall request an adjournment, he or she shall not be entitled thereto, unless the party requesting such adjournment, after having seen the account or demand of the adverse party, shall, if required, exhibit his or her account or demand, or state the nature thereof as far forth as may be in his or her power, to the satisfaction of the assistant justice, before whom the cause is to be tried. Adjournment allowed for want of material witness.

Not to exceed three months.
Defendant to give security.

Party requiring adjournment, to exhibit his or her account.

XCIII. *And be it further enacted*, That if the defendant in any action to be brought before any assistant justice by virtue of this act, hath any account or demand against the plaintiff, he may plead and set off the same against the demand of the plaintiff ; and if any defendant shall refuse or neglect so to do, such defendant shall forever thereafter, be precluded from having any action against the plaintiff to recover the same or any part thereof : *Provided always*, That where the balance found to be due to the defendant, shall exceed twenty-five dollars, in such case the defendant shall not be precluded from recovering the same account or demand against the plaintiff in any other court of record having cognizance thereof. Defendants to set off their demands, if any.

On neglect to be precluded from action therefor.
Balance unless exceeds 25 dollars.

XCIV. *And be it further enacted*, That when in any action of trespass upon land or other real estate to be brought before any assistant justice, any defendant shall justify on a plea of title, the defendant shall commit such plea of justification to writing, and having signed the same in the presence of such assistant justice, shall deliver such plea to the assistant justice, who shall then countersign the same, and deliver it to the plaintiff, and it shall and may be lawful to and for such plaintiff to commence and prosecute an action for such trespass against such defendant, in the court of common pleas called the mayor's court of the city of New-York, and if such plaintiff shall Proceedings in action of trespass when defendant justifies on a plea of title.

recover any damages in such action, the defendant shall be liable to pay to such plaintiff double costs; and in every trial to be had for such trespass, the plea signed by such defendant shall be conclusive evidence that the defendant relied on his title to justify such trespass; and every assistant justice, to whom a plea of justification shall be tendered, shall, before he shall receive such plea, exact from the defendant, together with one sufficient surety, a recognizance in the sum of fifty dollars, conditioned, that if such plaintiff shall commence a suit before the then next mayor's court of the said city, for the recovery of damages for such trespass, such defendant shall appear and put in special bail in such mayor's court, within eight days after the first day of the then next term of the said court; and that in every case in which such plea shall be tendered, and the defendant shall not forthwith enter into such recognizance, the assistant justice shall proceed in the same manner as if such plea had not been tendered: *Provided always*, That it shall be competent for such defendant, notwithstanding the said plea of title to shew on the trial of any such case before the said mayor's court, that the plaintiff had not possession of, or title to the premises, at the time such supposed trespass was committed.

After issue
joined either
party may de-
mand a jury

Jury how
empannelled

Justice to is-
sue venire

Jury to be se-
lected by bal-
lot

XCV. *And be it further enacted*, That in every action to be brought by virtue of this act, before any such assistant justice, it shall be lawful for either of the parties to the suit, or the attorney of either of them, after issue joined, and before the court shall proceed to inquire into the merits of the cause, to demand of the said court, that such action be tried by jury, and upon such demand, the said assistant justice shall, in open court, nominate eighteen persons residing in the ward in which the cause is to be tried, and qualified to serve as jurors on trials in the mayor's court of the said city, and who are in no wise of kin to the plaintiff or defendant in the said suit, or interested therein; and the names of the said persons so nominated by the said assistant justice, shall be by him written on a panel, which panel shall be annexed to a venire, which the said assistant justice is hereby required to issue, directed to any constable or marshal of the said city, commanding him to summon any twelve of the persons named in the said panel, to be and appear before such assistant justice issuing such venire, at such time and place as shall be expressed in the said venire, to make a jury for the trial of the action between the parties mentioned in the said venire, which constable or marshal shall, at the return of the said venire, return a panel of the names of the jurors he shall so summon by virtue of the said venire; and the name of each person empannelled, shall be written on several and distinct pieces of paper, as nearly of one size as may be, and shall be delivered to the said assistant justice, before whom such action is to be tried, by the said constable or marshal returning such panel, and shall, by the said constable or marshal be rolled up, all as near as may be, in one and the same manner, and put together in a box or some convenient thing, and on the trial of such cause, such assistant justice, or such indifferent person as he shall appoint for that purpose, shall draw out six of the said papers one after another, and if any of the persons whose names shall be so drawn, shall not ap-

pear, or shall be challenged and set aside, then such further number thereof shall be so drawn as shall make up the number of six, who do appear after all legal causes of challenge allowed by the said assistant justice; unless the parties agree that the said constable or marshal shall summon six men at his discretion; and the said six persons, so drawn, and appearing, and approved by the court as indifferent and qualified, shall be the jury who shall try the cause, to each of whom the said assistant justice shall administer the following oath:—"You do swear in the presence of Almighty God, that you will well and truly try the matter in difference between

Challenges allowed

Their oath

plaintiff, and defendant, and a true verdict will give according to evidence;" and after the said jury have taken the oath aforesaid, they shall sit together and hear the several proofs and allegations of the parties which shall be delivered in public in their presence; and to each of the witnesses on the said trial, the said assistant justice shall administer the following oath: "You do swear in the presence of Almighty God, that the evidence you shall give in this matter in difference between

Oath of witnesses

plaintiff, and defendant, shall be the truth, the whole truth, and nothing but the truth." And after hearing the proofs and allegations, the jury shall be kept together in some convenient place until they shall agree upon a verdict, and for which purpose a constable or marshal shall be sworn, and to whom the said assistant justice shall administer the following oath: "You do swear in the presence of Almighty God that you will, to the utmost of your ability, keep every person sworn on this inquest, together, in some private and convenient place; and will not suffer any person to speak to them, nor speak to them yourself, unless by order of the justice, unless it be to ask them whether they have agreed upon their verdict, until they have agreed upon their verdict." And when the jurors have agreed upon their verdict, they shall deliver the same to the assistant justice in the same court, who is hereby required to give judgment thereupon, and to award execution in manner hereafter directed: *Provided always*, That no oath of either party or *ex parte* affidavit of any other person, shall be allowed or given in evidence in any such action, unless the parties agree to allow of such evidence.

Oath of constable or marshal

Justice to give judgment on verdict

Oath of of party or *ex parte* affidavit not to be received without consent

XCVI. *And be it further enacted*, That every person summoned and drawn as a juror, or subpoenaed as a witness, who shall not appear, or appearing shall refuse to serve or give evidence in such action, shall forfeit and pay for every such default or refusal, unless some reasonable cause be proved on oath, to the satisfaction of the court, such fine or fines, not exceeding the sum of ten dollars, nor less than sixty-two and an half cents, as the said court shall think reasonable to impose; and the said court is hereby authorised and required to issue a warrant directed to any constable or marshal of the said city, commanding him to levy the same on the goods and chattels of the said offender, and for the want thereof to convey him or her to the gaol or debtor's prison of the said city and county of New-York, there to remain until he or she pay such fine, together with the costs attending the same; and the keeper of the said gaol or prison, is

Penalties on jurors and witnesses for non-attendance

How recovered

hereby commanded to keep such offender in safe custody, in such gaol or prison, until such fine, together with the costs, shall be paid: *Provided always*, That no such fine or fines shall be imposed, unless oath shall first have been made before the court, by some credible person, that such juror or witness, so in default, hath been lawfully summoned or subpoenaed as aforesaid; all and every of which said fines, when recovered, shall be delivered by the said court to the chamberlain of the said city, for the use of the poor thereof.

How appropriated.

Form of conviction under the excise act

XCVII. *And be it further enacted*, That all convictions to be had before any assistant justice as aforesaid, for offences against the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," shall be drawn up in the following manner, viz.

City of New-York, to wit: Be it remembered that on the day of _____ in the year of our Lord one thousand

A. B. of the city of New-York, merchant, (or farmer, or other addition as the case may require) being an inn-holder or tavern-keeper, (if the case be so) is this day convicted before C. D. one of the assistant justices of the said city, of having on the

day of _____ last (or instant as the case may be) at the ward in the said city, sold by retail one quart (or other quantity) of rum (or other spirituous liquors) without having such permit (or to be drank in his or her house, or out-house, yard or garden,) without having entered into such recognizance as is mentioned in the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," or of having on the day of _____ last (or instant) at the ward of the said city, sold one gill (or other quantity) of rum (or other strong liquor) to an apprentice (or servant or slave) of

knowing or having reason to suspect or believe him (or her) to be such, without the consent of his (or her) master (or mistress) against the form of the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," or of having for the space of one month (or two or more months) refused to put up and keep such sign up as is required by the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns;" given under my hand and seal the day and year first above written; and every such conviction shall, within thirty days after it is made, be filed in the office of the clerk of the city and county of New-York, there to remain as a record, and may be pleaded in bar to any other prosecution for the same offence.

Convictions to be filed in county clerk's office.

Costs how to be awarded, and execution how to be issued.

XCVIII. *And be it further enacted*, That if the plaintiff, in any action to be brought before any such assistant justice, shall be non-suited or discontinued or withdraw his or her action without the consent of the defendant, then judgment shall be given against such plaintiff for the costs recovered; or if he or she shall be found to be indebted to the defendant, then judgment shall be given against him or her for the debt or damages and costs, as the case may require, and whenever judgment shall be given against either plaintiff or defendant, the said court shall grant execution thereupon, directed to any one of the constables or marshals of the said city, commanding him to levy the debt or damages and

Costs, of the goods and chattels of the person against whom such execution shall be granted, (his arms and accoutrements excepted) and to bring the money at a certain time and place, therein to be mentioned, before the assistant justice who issued the execution, to render to the party who recovered the same; and if no goods or chattels can be found, or not sufficient to satisfy such execution, the party recovering the judgment may, from time to time, renew such execution, or have further execution against the goods and chattels of the party against whom such judgment is recovered, or may bring an action of debt thereon, or if the party against whom such judgment is recovered be a freeholder within this state, or being a person not having a family therein, and the same be proved to the satisfaction of the assistant justice, by the oath of the party in whose favor the execution shall issue, or by the oath of such witness or witnesses as the assistant justice shall require, or if the judgment be against any person whatever for any penalty incurred under the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," then every execution to be issued as aforesaid, may further command, that if sufficient goods and chattels cannot be found to satisfy the debt, or damages and costs as aforesaid, that the officer take the body of the person against whom such execution shall be granted, and him or her to convey to the gaol or debtor's prison of the said city and county: *Provided always*, That no such proof of any such party, against whom judgment shall be given, being a freeholder, or not having a family, shall be required by any such assistant justice, unless such party shall at the time of the trial of any such action, or some time before the issuing execution, not exceeding four days after such trial, claim and allege his exemption from any such execution against his or her body: *And further*, That no execution of any judgment given by such assistant justice, by virtue of this act, shall issue against any freeholder or inhabitant having a family, in less than thirty days after giving the judgment, unless the person in whose favor judgment shall be given shall make it appear to the satisfaction of the said assistant justice, on his own oath or the oath of some other person, that such plaintiff will be in danger of losing the debt or damages if such delay be allowed; in which case the said assistant justice shall issue execution immediately, as herein before directed, unless the party against whom such judgment shall be given, shall thereupon give security to the party in whose favor judgment was given, that he will pay the debt or damages and costs before, or surrender himself in execution, if liable to be imprisoned on execution by virtue of any thing herein before contained in this act, at the expiration of thirty days.

XCIX. *And be it further enacted*, That the constable or marshal, after taking such goods and chattels into his custody, by virtue of such execution, shall immediately give public notice by an advertisement signed by him, and put up at three public places in the ward in the said city, where such goods and chattels shall be taken, of the time and place when and where they will be exposed to sale, at least five days before the time appointed for

Constable or
marshal, how
to proceed on
executions.

the selling thereof, and therein describe the goods and chattels so taken; and at the time and place so appointed for selling them, shall expose them to sale at public vendue, and sell them to the highest bidder, and pay the debt, or damages and costs so levied, to the assistant justice, who issued the execution, returning the overplus, (if any,) to the owner; and for want of goods and chattels whereon to levy, the said constable or marshal shall, according to the tenor of the said execution, take the body of the person against whom the same execution shall be granted, and convey or deliver him or her to the keeper of the common gaol, and debtor's prison of the said city and county; and in case the person against whom such execution shall issue, be a freeholder, such keeper is hereby commanded to keep such person in safe custody, in the gaol or prison aforesaid, until the debt or damages, with costs, shall be fully paid; and in case such person be not a freeholder, and the same be certified, or a memorandum thereof made by such justice upon such execution, whose duty it shall be so to do, then until the expiration of thirty days from the time of receiving such person; and in case such constable or marshal to whom any execution shall be delivered, shall not within five days after receiving such execution, levy the same on the goods and chattels of the person against whom such execution shall be granted, and in fifteen days thereafter pay the debt, or damages and costs, so levied into the hands of the assistant justice who issued the same, or in case of his death or removal from office, to the person in whose favor the execution was granted; or if no goods or chattels can be found whereon to levy, then if the said constable or marshal shall not, if such execution require it, take the body of the person against whom such execution was granted, if to be found, within fifteen days from the receipt of such execution as aforesaid, then and in every such case the said constable or marshal shall be holden to pay the amount of such execution, to be recovered by an action of debt, with costs, by the person in whose favour such execution was granted, in which case execution shall issue forthwith against such constable or marshal.

When liable
for amount of
execution.

Joint debtors
how proceed-
ed against

C. *And be it further enacted*, That every summons or warrant, to be issued by any such assistant justice, may issue against any joint debtors, in the same manner as against individual debtors; and in case the same be duly served in manner herein before directed upon either of such joint debtors, such joint debtors on whom the same shall be so served, shall answer to the plaintiff, and the judgment shall in such case be against the joint debtor or debtors on whom the same was served, and against the other joint debtor or debtors, named in such summons or warrant, in the same manner as if the said process had been duly served on all such debtors: *Provided however*, That no execution shall issue against the body, or against any goods and chattels, the sole property of any debtor on whom such process was not duly served as aforesaid.

Constables
what ward
court to at-
tend

CI. *And be it further enacted*, That the constables of the respective wards of the said city, shall, and they are hereby directed to attend the court of the assistant justice of the ward for which they are or shall be elected, and no other of such court, unless in

Cases of process actually served, and the justice who issued the same being absent or unable to attend as before directed: *And further*, That the mayor of the said city be, and he is hereby authorised and required to apportion the several marshals of the said city, as he in his discretion shall think fit, to attend the respective courts of the said assistant justices, and to execute the process thereof, which said marshals, respectively, shall be and they hereby are restricted to serve the process of such of the said courts as they shall be directed to attend: *Provided always*, That nothing herein contained shall be construed to prevent any of the constables or marshals of the said city from serving process in any ward thereof, or from the serving any process issuing out of any court in the said city, other than the said courts to be held by the said assistant justices, and from attending the court from whence such process shall issue.

Marshals to be apportioned among ward courts by mayor

CII. *And be it further enacted*, That in all cases, when any person or persons shall be brought before any such assistant justice on any warrant by virtue of this act, it shall be the duty of the constable or marshal who served the warrant, to take the charge of the person or persons until discharged by such assistant justice.

Officer serving warrant to have charge of defendant until discharged by justice

CIII. *And be it further enacted*, That every action to be commenced before any of the assistant justices (except where an assistant justice shall be one of the parties thereto) shall be commenced and prosecuted before the assistant justice, either in the ward in which the plaintiff or plaintiffs shall have resided, at least one month immediately preceding the commencement of the said action, or of the ward in which the defendant or defendants, or one of them, shall reside at the time of the commencement of the said action; and that if there shall be several plaintiffs, not all residing as aforesaid in the same ward, or if the said action be commenced by any agent or attorney, then and in every such case, the said action shall be prosecuted only in the ward in which the defendant or defendants, or one of them, resides; and every such assistant justice is hereby directed and required to dismiss every action brought before him, contrary to the provisions of this section, with costs of suit, to be paid by the plaintiff or plaintiffs in the same manner as if he or they were non-suited on the merits; and every judgment that may be obtained or procured contrary to the true intent and meaning of this section, shall be utterly void, but where one of the said assistant justices shall be one of the parties in any such action, it shall and may be lawful to commence and prosecute the same before any other of the said assistant justices.

Where actions shall be brought.

CIV. *And be it further enacted*, That no other or greater fees shall be allowed, taxed, taken or demanded by the said assistant justices, or by any constable or marshal serving or executing the process issued by the said assistant justices, than the following, that is to say:

Assistant Justices' Fees.

For entering every action, six cents.
For every summons or warrant, fifteen cents.

Assistant justices' fees

LAWS OF NEW-YORK,

- For entering the return of summons or warrant, six cents.
- For entering an appearance or default, six cents.
- For entering the substance of the plaintiff's charge or demand, upon the return of process against the defendant when served, twelve and an half cents.
- For entering the substance of the defendant's plea, six cents; and if such charge, demand or plea is exhibited in writing, it shall be the duty of the assistant justice to file the same in his office.
- For taking security, twelve and an half cents.
- For every venire to summon a jury, twenty cents.
- For making a panel of jurors to annex to venire, twelve and an half cents.
- For a subpoena for each witness, six cents.
- For swearing a jury, nineteen cents.
- For administering every other oath in court, six cents.
- For every judgment or conviction and entering the same, twenty-five cents.
- For every commitment, twelve cents.
- For every execution, twenty-five cents.
- For entering every adjournment, twelve and an half cents.
- And when the parties shall, on the return of process, meet before the assistant justice, (who issued the same) and settle the same, the said assistant justice shall be entitled to receive twenty-five cents for his attendance.

Fees to the Constables and Marshals.

Constables
and mar-
shal's fees.

- For serving every summons, nineteen cents.
- For serving every warrant, twenty-five cents.
- For returning a summons or warrant, six cents.
- For taking the defendant into custody on a mittimus, commitment or execution, twelve and an half cents.
- For serving an execution for two dollars and fifty cents, or under, twenty-five cents; and at the rate of six cents for every two dollars and fifty cents more.
- For travelling, if the person summoned or arrested is taken above one mile from the place where the court is holden, for every mile going only, twelve and an half cents.
- For summoning a jury, thirty-seven and an half cents.
- For going with the plaintiff or defendant to procure security, in cases where it is ordered by the court, twenty-five cents.
- For notifying defendant to give security, where it is ordered by the court, twelve and an half cents.
- For notifying plaintiff for trial, twelve and an half cents.

Jurors' Fees.

Jurors' fees.

- For every juror sworn in a cause, twelve and an half cents.

Witnesses' Fees and Charges for summoning them.

Witnesses.

- For each witness necessarily attending and sworn, twelve an half cents.
- For serving a subpoena on each witness, twelve and an half cents.

Gaolers' Fees.

For receiving a person committed on an execution, mittimus or commitment, twenty-five cents.

CV. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, from time to time, to appoint and commission three proper and discreet persons, to be called and known by the name of justices of the justices' court, in and for the city and county of New-York, which said justices shall hold their offices during the pleasure of the said council; and that the said commissions shall issue once at least in every three years: *Provided always*, That the several persons now holding the said offices, shall continue to hold the same until others shall be appointed and commissioned in their stead.

CVI. *And be it further enacted*, That the said three justices, or any two of them, shall have power and authority, and they are hereby authorised and required to hold a court at the city-hall of the city of New-York, and in case of sickness or epidemic disease, or any other casualty, at such other place in the said city, as the mayor, aldermen, and commonalty of the said city, in common council convened, may direct; which said court shall be called and known by the name of the justices' court of the city of New-York; and shall have jurisdiction to hear, try and determine all actions of debt, detinue, account, covenant, trespass on the case, and trespass including trespass on any land or other real estate, wherein the sum or balance due, or thing demanded, shall exceed twenty-five dollars, and not exceed fifty dollars: *And also*, all actions and informations upon any statute of this state, and upon the charter or any by-law of the corporation of the said city, where the penalty or forfeiture shall exceed twenty-five dollars, and not exceed fifty dollars as aforesaid: *And also*, all actions to be brought by any seaman or mariner, or other person belonging to any ship or vessel in any merchant service, against the owner or owners, master or commander of any such ship or vessel, for or by reason of the non-performance or breach of any agreement or contract made by such seaman or mariner, or other person, with the said owner or owners, master or commander, for services or compensation for services on board of any ship or vessel, during any voyage performed, or in part performed by such ship or vessel, notwithstanding such wages, compensation or damages, shall exceed fifty dollars; and the said court shall also have cognizance and power to hear, try and determine all actions to be brought by any owner or owners, master or commander of any ship or vessel, in any merchant service, against any seaman or mariner, or other person belonging to such ship or vessel, for or by reason of the non-performance of any agreement or contract made by such seaman or mariner, or other person, with such owner or owners, master or commander of any such ship or vessel, for services to be performed by him as a seaman or mariner, or otherwise, on board such ship or vessel, for any voyage performed wholly or in part, or intended to be performed, notwithstanding the damages

Justices court
in and for the
city of New-
York.

Where to be
held.

Jurisdiction.

sustained, or sum of money demanded by reason of the non-performance of such agreement or contract, shall exceed fifty dollars: *And also*, all actions for assault and battery, or false imprisonment, done or committed by any master or commander of any ship or vessel, in any merchant service, upon any officer, seaman or mariner, or other person on board of, or belonging to, such ship or vessel on the high seas, or in any foreign port or place where such ship or vessel may then be, of which the ordinary courts of law of this state now have cognizance; and all actions for assault and battery or false imprisonment, done or committed by any officer of any such ship or vessel, upon any seaman or mariner, or other person on board of or belonging to such ship or vessel, or by any seaman or mariner, or other person on board of, or belonging to such ship or vessel, upon the master, commander, or other officers thereof, or by one seaman or mariner, or other person on board of or belonging to such ship or vessel, upon another seaman or mariner, or other persons on board of or belonging to such ship or vessel upon the high seas, or in any foreign port or place where such ship or vessel may then be, of which the ordinary courts of law of this state now have cognizance, notwithstanding the damages sustained or demanded by reason thereof, shall exceed fifty dollars; and for the purpose of hearing, trying and determining all such actions as are hereby made cognizable before the same court, such court is hereby vested with all such power and authority as is vested in other courts of record in this state, and is hereby made and constituted a court of record: *Provided always*, That nothing herein contained shall be construed to give the said court power to proceed in any of the matters aforesaid, as a court of admiralty, or maritime jurisdiction: nor shall the authority of the said court extend to any debt or demand, for any money or thing won at or by means of any kind of gaming, play or wager, although the same shall not exceed the sum or value of fifty dollars; nor to any action wherein the people of this state shall be concerned, or where the title of any lands shall in any wise come in question, except actions of trespass on land or other real estate; or to any action of assault and battery, or false imprisonment, other than those committed on the high seas, or in a foreign port, as is herein before particularly specified; nor to matters of account where the sum total of the accounts of both parties exceeds in the amount or value thereof, the sum of two hundred dollars, and those accounts proved to the satisfaction of the court, nor to any action to be brought by or against any executor or administrator, for any debt or demand due to or from the estate of any testator or intestate.

CVII. *And be it further enacted*, That the said court so to be holden by the said justices, shall be and is hereby declared to be, a court of record; and shall have a seal to be devised and directed by the justices thereof, and shall have a clerk to be appointed and removable at the pleasure of the said justices, or a majority of them; which said clerk so to be appointed, shall be paid by the said justices; and shall take an oath before the said justices in open court, faithfully and honestly to discharge the duties of his office.

Causes of which justices' court shall not have jurisdiction.

Justices' court declared a court of record.

Clerk to be appointed.

CVIII. *And be it further enacted,* That the said court, so to be holden before the said justices, shall be open every day at seasonable hours, except Sunday, the fourth of July, the twenty-fifth day of November, the twenty-fifth day of December, and the first day of January, in every year.

Courts to be open daily

CIX. *And be it further enacted,* That no judgment shall be given, nor any rule or order made in any cause in the said court, to be held before the said justices, nor any conviction had upon any statute or law, unless two of the same justices hereby authorised to hold such court, shall be present; and if only one of them shall attend on any court day, he shall adjourn the said court to the next court day; and if on any court day neither of them shall attend, then the clerk of the same court shall and may adjourn the court to the next court day: *Provided nevertheless,* That it shall and may be lawful for any one of the said justices to receive the confession of the defendant or defendants of the action of the plaintiff, and of the debt and damages, or sum of money due to the plaintiff, and to give judgment and issue execution thereupon, in like manner as if any two of them were present: *And further,* That in case of the sickness or death of any two of the said justices, then and in that case the survivor shall have power to hold the court, to hear, try and determine, the causes in the same manner as if two of the said justices were present.

No judgment given unless by two justices.

Except judgment by confession.

In case of sickness or death of two of the justices, the survivor may try causes.

CX. *And be it further enacted,* That the clerk of the said court shall cause to be entered or registered in proper books, to be kept for that purpose, a docket or register of all summonses, warrants, precepts, executions and process, which may be issued by the said court, and of the returns to all such summonses, warrants, precepts, executions and process; and also proper entries of all acts, orders, dismissions, decrees, judgments, adjournments and proceedings of the said court; and also the substance of the plaintiff's charge or demand, and of the defendant's plea.

Clerk to keep a register of the proceedings of the court.

CXI. *And be it further enacted,* That all applications for process for the recovery of any debt or demand, to be sued for in the said court, to be holden by virtue of this act, before the said justices, shall be made to the clerk of the said court, and not otherwise; and that all process to be issued out of the said court shall be tested in the name of the said justices, and be signed by the clerk of the said court, with his name, and with these words, "by the court," and sealed with the seal of the said court; and in all suits and actions against joint debtors, the proceedings shall be in all respects the same, and have the same effect as in and by the one hundredth section of this act is enacted; and where any parties shall agree to enter an action in the same court without process, the court shall proceed in the same manner as if a summons or warrant had been issued.

Process how tested, signed and sealed.

Proceedings against joint debtors.

CXII. *And be it further enacted,* That the first process to be issued out of the said court to be holden by the said justices, shall be in the same manner as is directed in and by the eighty-eighth and ninetieth sections of this act, in like cases; and that the process and proceedings against joint debtors shall be in all things in the same manner as is directed in and by the one hundredth section of this act.

First process when by summons or warrant

CXIII. *And be it further enacted,* That every summons to be

Form of summons

issued out of the said court, to be held before the said justices by virtue of this act, shall be in form following:—"The people of the state of New-York, to the constables and marshals of the city of New-York, and to every of them greeting: We command you to summon A. B. if he shall be found in the said city, to be and appear before our court of the justices of the peace, in and for the city of New-York, at _____ on the _____ day of _____ at _____ o'clock in the _____ noon of the same day, to answer unto C. D. of a plea of (here insert the nature or cause of action, and sum demanded) and have you then there this precept. Witness our said justices, at _____ the _____ day of _____ in the year of our Lord

By the court, E. F. clerk.

Process how
to be served.

CXIV. *And be it further enacted*, That it shall and may be lawful for any constable or marshal of the said city of New-York, to execute process, which may be issued out of the said court, to be holden by the said justices by virtue of this act, in any part of the said city; and that no person shall be proceeded against by summons, to be issued out of the said court, who shall not reside within the said city.

No summons
against non-
residents.

Clerk to ad-
minister oath
on issuing
warrant in
certain cases.

CXV. *And be it further enacted*, That whenever any plaintiff or his attorney, shall apply for a warrant to be issued out of the said court, to be holden before the said justices, in cases where by this act an oath is necessary previous to the issuing of such warrant, the clerk of the said court is hereby authorised and empowered to administer such oath.

Process by
warrant.

CXVI. *And be it further enacted*, That the first process to be issued out of the said court to be holden before the said justices, in all cases not otherwise provided for, may, if the plaintiff shall so elect, be by warrant, and the warrant shall be in the following form: "The people (as in case of a summons.) We command you to take A. B. if he shall be found in the said city, and bring him forthwith before our court, (as in case of a summons.)"

Form of war-
rant.

Process to be
served by con-
stable or mar-
shal.

CXVII. *And be it further enacted*, That when any process shall be issued by virtue of this act, the constable or marshal to whom such process shall be directed and delivered, shall proceed agreeably to this act, to execute such process in his own proper person, unless the assistant justices, or the court to be holden before the said justices, as the case may be, shall at the request of the plaintiff judge it expedient to depute some other proper person, other than the plaintiff, who will voluntarily undertake to execute the same, without fee or reward; and when any person shall be so deputed, the deputation shall be endorsed on the process, and if issued by an assistant justice, he shall sign his name to such deputation, and if issued out of the court to be holden by the said justices, the clerk of the court, as such, shall sign his name to the deputation, but no person shall be so deputed to empannel or summon a jury, or to serve an execution.

Or special de-
puty.

Deputation
how made.

No deputation
on jury pro-
cess or execu-
tion.

Defendant ar-
rested on war-
rant, to give
bail bond for
appearance if
court be not
sitting.

CXVIII. *And be it further enacted*, That when any defendant shall be taken, on any warrant issued out of the said court to be holden before the said justices, and the same court shall not then be sitting, it shall be the duty of the constable or marshal, or other proper officer having such warrant, to take in his

own name, and in his official capacity, bail or security of some sufficient person or persons to be bound by bond, conditioned for the appearance of the defendant on the next court day, and if the said defendant shall not appear in person in court, at the time mentioned in the said bond, and if the plaintiff shall approve of the said bail or security, by accepting an assignment of the said bond, then the constable or marshal shall and may return the said warrant in the same manner as if the defendant had been brought in court in person, and the court shall and may proceed in the cause in the same manner as if the defendant had appeared in person, and denied the plaintiff's charge by plea; and the said bail or security shall be held to pay the debt or damages, and both which shall or may be adjudged against the defendant, unless the said defendant shall enter the necessary security for the payment of the amount of the said judgment in sixty days, or shall (in case he shall be liable to imprisonment) surrender himself or herself in execution within forty-eight hours from the time of the entry of said judgment; but if the defendant, when taken by virtue of the aforesaid warrant, shall neglect or refuse to give bail or security for his or her appearance as aforesaid, it shall be lawful for the constable or marshal, or other proper officer having such warrant, to take such defendant to the gaol of the city and county of New-York, and deliver him or her to the keeper of the said gaol, who is hereby required to receive such defendant, and to keep him or her in safe custody in the said gaol until the next court day, when the said constable or marshal, or other proper officer who shall have served such warrant, or some other constable or marshal, who may be directed by the court, in writing, shall bring such defendant before the said court: *Provided*, That it shall not be lawful for the said keeper to detain such defendant in custody upon such warrant for a longer time than forty-eight hours: *And further*, That in case the plaintiff shall accept an assignment of the bail bond, to be taken by the constable or marshal, or other officer, the plaintiff may, if necessary, commence a suit thereon in his own name, as the assignee of the constable, marshal or other officer, and on obtaining judgment thereon, shall, under the execution to be issued thereon, levy the amount of the debt or damages and costs, for which judgment shall be given in the original action, with costs in the suit on the bail bond, and no more; but if the plaintiff shall refuse to take an assignment of such bail bond, he shall have his remedy against the constable, marshal or other officer, as in case of an escape, and in that case such constable, marshal or other officer, may commence a suit in his own name, and for his indemnity on such bail bond.

Proceedings thereupon.

On refusal to give bail, defendant to be committed to gaol until next court day.

Not to be detained more than 48 hours. Plaintiff may commence suit on bail bond.

Or sue the constable or marshal for an escape.

CXIX. *And be it further enacted*, That when any defendant shall be taken on any warrant issued out of the said court to be holden before the said justices, and shall be brought into court, and the court by reason of other business or other cause, should be unable immediately to try the cause, the constable or marshal, or other proper officer, having such warrant, shall take the defendant before the clerk of the said court, who shall thereupon take security for the defendant's appearance in court on the next

If court cannot proceed to trial, clerk to take security from defendant for appearing next court day.

Defendant
committed on
neglect to give
security.

court day; and if the said defendant shall neglect or refuse to give such security, he or she shall be committed to gaol, and in that case it shall be the duty of the said clerk to make an indorsement on such warrant to the following effect, viz: The defendant having refused or neglected (as the case may be) to give the security on the within warrant required by law, is committed to the gaol of the city and county of New-York, and shall afterwards be brought into court, or discharged in the same manner and form as is directed in the case provided for in and by the preceding enacting clause of this act.

Security may
be examined
on oath.

CXX. *And be it further enacted*, That in all cases in which, according to the provisions of this act, security shall be required, it shall be lawful for the justice or clerk, taking such security, if he shall deem it necessary, to examine the person or persons who may be offered as security on oath, as to his or their sufficiency to become such security.

Power of jus-
tices' court.

CXXI. *And be it further enacted*, That it shall and may be lawful for any one of the said justices, at any time, when the said court shall not be sitting, to administer the oath of danger on any judgment which shall have been entered in the said court, and grant execution, or make any other necessary order thereon, and also to take the confession of the defendant in any suit or action commenced by warrant issued out of the said court, and enter judgment, and grant execution thereon, in the same manner as if the same was done in open court, and the justice before whom the said proceedings shall be had, shall enter or cause to be entered, in the proper book or books of the court, the substance of the said proceedings, together with a note or memorandum, purporting that the same were had out of court, also the time when, and the name of the justice before whom the same were had.

Court when
to proceed to
trial and give
judgment.

CXXII. *And be it further enacted*, That upon the return of any summons to the said court to be holden before the said justices, if such summons has been duly served by reading as aforesaid, or upon the appearance of the defendant, pursuant to any summons served by a copy, as aforesaid, or upon the bringing the defendant into court upon a warrant which shall have been issued in consequence of his or her neglecting to appear in pursuance of any summons served by copy as aforesaid, or at such other time as the said court shall deem meet and convenient, not exceeding six days thereafter, the said court shall proceed to hear and examine the proofs and allegations of the parties, and shall within four days thereafter, give their judgment thereon in such manner as shall appear to the same court to be agreeable to law and equity.

Defendant to
give security
on adjourn-
ment if made
without plain-
tiff's consent.

CXXIII. *And be it further enacted*, That immediately upon bringing the defendant into the said court before the said justices, by virtue of a warrant other than a warrant issued in consequence of the neglect of the defendant to appear when summoned, or a warrant issued in favour of a non-resident plaintiff, or at such other time as the same court shall appoint, not exceeding six days, the court shall proceed to hear and examine the proofs and allegations of the parties and give judgment as aforesaid; but if upon bringing the defendant as aforesaid, an

adjournment be made without the consent of the plaintiff, then the defendant, if required by the plaintiff, shall give sufficient security for his or her personal appearance on the day to which such adjournment shall be made; and in default of such appearance, to pay the debt or damages, and costs, if judgment shall be given against him or her, and in default in giving such security, the court shall proceed to trial without an adjournment.

CXXIV. *And be it further enacted*, That in all cases where a warrant shall issue out of the said court, to be holden before the said justices, if the plaintiff or defendant shall require a longer time than is first appointed by the court to try the said cause, and will, if required, give sufficient security to appear and stand trial on such other day as shall be appointed, and pay the debt, damages and costs, in case judgment shall be given against him or her, then the said court shall adjourn the said cause to any time they may think proper and convenient, not exceeding twelve days: *Provided always*, That where a warrant shall issue in favour of a non-resident, and who shall have given security as herein before mentioned, the said court shall not adjourn the cause for more than four days, unless the parties agree to allow a longer time.

Further provision as to adjournments.

Proviso as to non-resident plaintiff.

CXXV. *And be it further enacted*, That in all suits to be brought in the said court, before the said justices, the defendant or defendants, if he or they have any account or demand against the plaintiff in such action, shall and may plead and set off the same against the debt or demand of the plaintiff; and if the defendant or defendants in such suit or action, shall refuse or neglect to plead and give in evidence, his, her, or their account or demand, if any he, she or they have against such plaintiff or plaintiffs, then the defendant or defendants so neglecting or refusing to plead and give in evidence, his, her or their accounts or demands aforesaid, shall forever thereafter be barred and precluded from having or maintaining any action or actions against such plaintiff or plaintiffs, for the recovery of such account or demand, or any part thereof: *Provided always*, That where the balance due to the defendant or defendants exceeds the sum of fifty dollars, that in every such case the defendant or defendants shall not be barred or precluded from recovering his account or demand against such plaintiff or plaintiffs, in any other court of record having cognizance thereof.

Defendants to set-off their demands, if any.

Neglecting so to do, to be barred of action therefor.

Unless balance exceeds fifty dollars.

CXXVI. *And be it further enacted*, That when in any action of trespass upon land, or other real estate, which may be brought in the said court, before the said justices, any defendant or defendants shall justify on a plea of title, the like proceedings in all things shall be had therein in the same court, as are directed to be had in suits of that nature, before assistant justices, in and by the ninety-fourth section of this act, except that the recognizance to be entered into by the defendant or defendants, shall be in the sum of one hundred dollars.

Proceedings in actions of trespass when defendant justifies on plea of title.

CXXVII. *And be it further enacted*, That if in any suit to be brought in the said court, before the said justices, the defendant shall make oath, that he or she cannot, for want of some material evidence or witness, safely proceed to trial, the court

Adjournment allowed for want of material witness.

Not to exceed
3 months un-
less demand
is more than
50 dollars.

Security to be
given thereon

Account or
demand to be
exhibited by
party asking
adjournment.

Officer serving
warrant to
hold defend-
ant in custody
until discharg-
ed by court.

Officer to ac-
company de-
fendant to ob-
tain security.

After issue
joined, either
party may de-
mand a jury.

Jury how em-
pannelled.

Venire how
issued.

shall, in such case, postpone the trial for such reasonable time as will enable the defendant to procure such evidence or witness : *Provided*, Such time shall not exceed three calendar months, unless the debt, damages or demands shall exceed the sum of fifty dollars : *And provided also*, That such defendant or defendants, before he, she or they shall be entitled to have the trial postponed as aforesaid, shall give security to the said court to appear and answer the said action, and to pay the debt or damages and costs, in case judgment thereon shall be given against him, her or them : *And provided also*, That in any suit or action to be brought in the said court, if either the plaintiff or defendant shall request an adjournment, he or she shall not be entitled thereto, unless the party requesting such adjournment, after having seen the account or demand of the adverse party, shall, if required, exhibit his or her account or demand, or state the nature thereof, as far forth as may be in his or her power, to the satisfaction of the court ; any thing herein contained to the contrary thereof notwithstanding.

CXXVIII. *And be it further enacted*, That where the defendant in any action to be brought in the said court, before the said justices, shall be brought into the same court by virtue of a warrant, such defendant shall be considered and held to be in custody of the officer who made the arrest, and shall be held on the said warrant until discharged by the court ; and if such defendant so brought into court shall be required to give security, according to the provisions of this act, the same court shall allow him such time as the court shall deem reasonable to procure the same, and the officer in whose custody such defendant shall be, shall go with him or her, to enable him or her to obtain such security.

CXXIX. *And be it further enacted*, That in every action to be brought in the said court, before the said justices, it shall be lawful for either of the parties to the suit, or the attorney of either of them, after issue joined therein, and before the court shall proceed to inquire into the merits of the cause, to demand of the said court, that such action shall be tried by jury, and to this end it shall be the duty of the clerk of the said court, at least once in every year, to procure a list of the names of such persons residing in the said city (the ninth ward excepted) as are qualified to serve on juries in the mayor's court of the said city ; and the names of the persons so qualified, who shall and may reside in the said city, shall be written on separate slips of paper by the said clerk, and by him put into a box, and upon a jury being demanded as aforesaid, the said clerk shall draw from the said box the names of twenty persons, neither of whom shall be of kin to either party, nor interested in such suit ; and the names of the persons so drawn, with their places of abode and occupations, shall be written on a piece of paper or parchment, and annexed to the venire, to be issued in the said cause, which venire and panel shall be directed and delivered to the proper officer to execute ; and the persons named in the said panel shall be by him summoned to appear before the same court, at the time and place mentioned in the said venire ; and on the re-

turn thereof, the clerk of the said court shall cause the names of the persons so empannelled, to be written on several and distinct pieces of paper, as nearly of one size as may be, and rolled up separately, and as near as may be, in one and the same manner, and put together in a box, or some convenient thing, and delivered to the said court; and on the trial of such cause, the same court, or such indifferent person as the court shall appoint for that purpose, shall draw out twelve of the said papers, one after another, and if any of the persons whose names shall be so drawn shall not appear, or shall be challenged and set aside, then such further number thereof shall be drawn as shall make up the number of twelve who do appear, (after all legal cause of challenge allowed) who shall be the jury to try the cause; and after all the names of the persons residing in the said first ward shall be drawn as aforesaid, out of the box first above mentioned, then the names of the persons qualified as aforesaid, and who shall or may reside in the second ward of the said city, shall in like manner be put in and drawn out, and then those of the third ward, and so on for the different wards of the said city, until the names of all the persons mentioned in the aforesaid list shall be drawn, commencing again with the first ward.

Jury, how selected.

Challenges allowed.

CXXX. *And be it further enacted,* That no more than one jury shall be summoned to attend the same court, to be held before the said justices, on any one day; and if there shall be more than one cause to be tried in the said court on that day, the same jurors shall be returned in each cause; and every person qualified to serve as a juror upon trials in the mayor's court of the said city of New-York, shall be considered as duly qualified to serve as a juror upon trials in the said court, to be holden before the said justices.

Only one jury to be summoned for one day.

CXXXI. *And be it further enacted,* That the said court to be holden before the said justices, shall administer to each of the jurors, witnesses and constables respectively, the same oaths respectively, as are in like cases directed in and by the ninety-fifth section of this act, and the same courts shall in all things proceed as is in and by the ninety-fifth section of this act directed in every particular.

Jurors, witnesses and constables oath.

CXXXII. *And be it further enacted,* That every person summoned and drawn as a juror, in any action which shall or may be brought in the said court, to be holden before the said justices who shall not appear, or appearing, shall refuse to serve in any such action, shall forfeit and pay for every such default or refusal, unless some reasonable cause be proved on oath to the satisfaction of the court, such fine or fines, not exceeding ten dollars, as the said court shall think reasonable to impose; and that every person who shall be subpœnaed as a witness in any such action, and who shall not appear, or appearing, shall refuse to give evidence in such action, shall forfeit and pay for every such default or refusal, unless some reasonable cause shall appear as aforesaid, such fine or fines, not exceeding fifty dollars, as the same court shall think reasonable to impose, and the same court is hereby authorised and required to issue a warrant to any proper officer of the same court, commanding him to levy the same of the goods

Penalty on jurors for non-attendance.

On witnesses.

How recovered.

and chattels of the offender, and for the want thereof, to take and convey him or her to the gaol or debtors prison of the said city and county of New-York, there to remain until he or she pay such fine, together with the costs attending the same; and the keeper of such gaol or prison is hereby commanded to keep such offender in safe custody in such gaol or prison, until such fine, together with the costs, shall be paid: *Provided always*, That no such fine or fines shall be imposed, unless oath shall first have been made before the court by some credible person that such juror or witness so in default, hath been lawfully summoned or subpoenaed, as the case may be; all and every of which said fines shall be paid into the same court, and by the same court paid to the chamberlain of the said city, for the use of the poor thereof.

How appropriate.

Judgment given against plaintiff in certain cases

CXXXIII. *And be it further enacted*, That if the plaintiff, in any action brought in the said court before the said justices, shall be non-suited, or discontinue his, her or their action, without the consent of the defendant, then judgment shall be given against such plaintiff for the costs accrued, and execution may thereupon issue for the same immediately, or if he or she shall appear to be indebted to the defendant, then judgment shall be given against him or her, for the debt, or damages and costs, as the case may require.

Plaintiff not recover more than 25 dollars, except in marine causes, shall not have costs

CXXXIV. *And be it further enacted*, That if in any action or suit, which shall or may be brought by virtue of this act, in the said court, to be holden before the said justices, (except in suits or action made cognizable in the same court, in and by the one hundred and sixth section of this act, between, by and against any seaman or seamen, mariner or mariners, owner or owners, master or masters, commander or commanders, officer or officers, or any other person or persons belonging to any ship or vessel, in any merchant service) the plaintiff or plaintiffs, in any such suit or action, shall recover against the defendant or defendants in such suit or action, any sum not exceeding twenty-five dollars, such plaintiff or plaintiffs shall not, in such suit or action, recover any costs against such defendant or defendants, but such defendant or defendants shall recover costs against such plaintiff or plaintiffs in such suit or action, and for which judgment shall be forthwith given by the said court, and execution may thereupon issue for the same, or the defendant or defendants may set off the amount of such costs against the amount or sum for which judgment shall be given for the plaintiff or plaintiffs and pay the balance, if any there be, into court; or the said court may order and direct that the sum so adjudged to the defendant or defendants, for costs as aforesaid, shall be set off against the sum for which judgment shall be given for the plaintiff or plaintiffs, and execution shall issue for the balance only, if any there be; and in case the sum so adjudged to the defendant or defendants, for costs as aforesaid, shall exceed the sum for which judgment shall be given for the plaintiff or plaintiffs, then the sum for which judgment shall be so given for the plaintiff or plaintiffs shall be set off against the sum so adjudged to the defendant or defendants, for costs as aforesaid, and execution shall issue for no more than the balance of such costs; and in all cases (except in

But costs shall be awarded to defendant Proceedings thereupon

such as in this section is before excepted) in which judgment shall be given for any sum not exceeding twenty-five dollars, the like execution shall issue, and the like proceedings be had thereupon, as in and by this act is directed to be issued and proceeded upon on judgments to be given in the several courts to be held by the several assistant justices, to be appointed by virtue of this act, in actions hereby made cognizable before the said assistant justices respectively.

CXXXV. *And be it further enacted*, That in all cases where the amount of any judgment which shall be rendered by the said court to be held before the said justices, shall exceed twenty-five dollars, (except where such excess has been created by costs of suit, or interest upon a judgment before rendered) exclusive of costs, the party obtaining such judgment, may, at his, her or their election, have an execution either against the body or goods and chattels of the person or persons against whom such judgment is rendered; and the constable or marshal shall proceed according to the tenor of the said execution, and if the same is against the goods and chattels of the person or persons against whom the same execution shall be granted, the said constable or marshal shall, in all things, proceed thereon, as is directed in and by the ninety-ninth section of this act, and shall be alike liable for any neglect as in and by the said ninety-ninth section is enacted; and if the execution is against the body or bodies of the person or persons against whom the same shall be granted, the constable or marshal shall take the body or bodies of the person or persons against whom the same execution shall be granted, and bring him, her or them before the same court out of which the same execution issued; and if the money mentioned in such execution is not then and there paid into the said court, nor security satisfactory to the court, given to pay the same at the end of sixty days from the rendition of the said judgment, and the said sixty days shall not have expired before the said person or persons shall be so brought in as aforesaid, then the same court shall cause an entry to be made in the minutes of the same court, purporting that such person or persons shall be committed to the gaol or debtor's prison of the said city and county of New-York, in execution of the debt, damages and costs, or damages and costs, mentioned in such execution and judgment, and cause a precept or mittimus to be issued for conveying such person or persons to the said gaol, which precept or mittimus shall be delivered to one of the constables or marshals of the said city, who shall thereupon convey such person or persons to the said gaol, and there deliver him, her or them, together with the precept, to the keeper of the said gaol, who shall thereupon receive and safely keep such person or persons in the said gaol, until he, she or they shall be thence delivered by due course of law.

CXXXVI. *And be it further enacted*, That in all cases where the amount of the judgment which shall be rendered by the said court, to be held before the said justices, shall exceed the sum of twenty-five dollars, exclusive of costs; and not exceed the sum of fifty dollars, exclusive of costs, and the person or persons against whom such judgment shall be given as aforesaid, shall

Plaintiff recovering beyond 25 dollars may have execution against defendant's body & goods

Execution against goods how proceeded upon

Against the body how to be executed

Execution not to be issued in certain cases under 60 days

give sufficient security to the satisfaction of the court for the payment of the amount of such judgment at the end of sixty days after the rendition of the said judgment, that then no execution shall issue thereupon, until the end and expiration of the said sixty days.

Execution
not to issue
against free-
holders and
inhabitants
having fami-
lies under 60
days

Unless party
entitled to ex-
ecution prove
danger of los-
ing his debt

Proceedings
thereupon

Cases where
execution
may issue im-
mediately

CXXXVII. *And be it further enacted*, That no execution of any judgment, to be given by virtue of this act by the said court, so to be holden before the said justices, for any sum exceeding twenty-five dollars, exclusive of costs; and not exceeding fifty dollars, exclusive of costs, shall issue against any freeholder or inhabitant, having a family, in less than sixty days, after giving the said judgment, unless the party in whose favor the judgment shall be given, shall make it appear, on his or her own oath, or the oath of some other person or persons, to the satisfaction of the court, that such person or persons in whose favor the judgment shall or may be given, will be in danger of losing his, her or their debt, if such delay should be allowed; in which case, if the person or persons against whom the oath shall be taken, shall not be present in court at the time of taking the oath as aforesaid, the court shall order some proper officer to notify such person or persons, that the said oath has been taken as aforesaid, and direct him, her or them to enter, at any time the said court may appoint, (not exceeding twenty-four hours,) security to pay the debt, damages and costs, before or at the expiration of sixty days after the rendition of the said judgment; and in case the person or persons against whom judgment shall be entered, shall refuse or neglect to enter security as aforesaid, then the said court shall issue execution immediately: *Provided nevertheless*, That if it should appear to the satisfaction of the court, upon oath as aforesaid, that there would be danger as aforesaid if any delay should be allowed, or if the person or persons against whom judgment shall have been given as aforesaid should have notice as aforesaid of the said oath having been taken, that then the said court may issue execution without giving said notice: *Provided also*, That execution may be forthwith issued whenever judgment shall be given for any sum, in any action which shall be brought in the said court, to be holden before the said justices, by any seaman or mariner, or other person belonging to any ship or vessel in any merchant service, against the owner or owners, master or commander of any such ship or vessel, for or by reason of the non-performance or breach of any agreement or contract made by such seaman or mariner, or other person, with the said owner or owners, master or commander, for services, or compensation for services, on board any such ship or vessel, or for wages, or compensation for services on board any such ship or vessel during any voyage performed, or in part performed by such ship or vessel, while such seaman, mariner or other person was on board such ship or vessel: *And also*, Whenever judgment shall be entered as aforesaid, in any action which shall be brought as aforesaid, by any owner or owners, master or commander of any ship or vessel in any merchant service, against any seaman or mariner, or other person, for or by reason of the non-performance of any agreement or contract made by such

seaman or mariner, or other person, with such owner or owners, master or commander, of any such ship or vessel, for services to be performed by him as a seaman or mariner, or otherwise on board such ship or vessel for any voyage performed wholly or in part, or intended to be performed: *And also*, Whenever judgment shall be entered as aforesaid, in any action brought in the said court, to be holden before the said justices, for assault, battery or false imprisonment, done or committed by any master or commander of any ship or vessel in the merchant service, upon any officer, seaman or mariner, or other person on board of, or belonging to, such ship or vessel upon the high seas, or in any foreign port or place where such ship or vessel may then be, or in any action of assault and battery or false imprisonment, done or committed by any officer of any ship or vessel in any merchant service, upon any seaman or mariner, or other person on board of, or belonging to, such ship or vessel, or by any seaman or mariner, or other person on board of, or belonging to, such ship or vessel, upon the master or commander or other officers thereof, or by one seaman or mariner or other person on board of, or belonging to, such ship or vessel, upon another seaman or mariner, or other person on board of, or belonging to, such ship or vessel upon the high seas, or in any foreign port or place where such ship or vessel may then be; and that in any of the said cases mentioned in this proviso, the person against whom any such execution shall issue, shall not be entitled to any delay, by giving security as herein before mentioned, any thing contained in this act to the contrary thereof notwithstanding.

CXXXVIII. *And be it further enacted*, That the registers and books of entries for the said court, so to be holden before the said justices, or copies thereof proved, shall be deemed legal evidence of the acts and proceedings of the same court, and that the same court shall be deemed, taken and held to be a court of record.

Registers of
Justices' court
legal evidence
Justices' court
declared
court of record

CXXXIX. *And be it further enacted*, That the justices to be appointed by virtue of this act, and to be called and known by the name of the justices of the justices' court, in and for the city and county of New-York, shall jointly and severally have, exercise and enjoy all the powers and privileges of justices of the peace, as to keeping of the peace in the said city and county, (except the right and power of holding courts of sessions of the peace, of sitting as judges in any court of sessions of the peace, to be held in and for the city and county of New-York, by the mayor, recorder and aldermen of the said city, or any three or more of them, of whom the mayor or recorder always to be one;) and each of the said justices shall have the like power to commit offenders, and to take recognizance for their appearance, and for their keeping the peace, and for their good behaviour, and to take recognizance for the appearance of witnesses against offenders, as any other justice of the peace, in any other county of this state, hath by law; and all recognizances taken by the said justices, any or either of them, for the appearance of any person in any court, shall, together with the examinations and evidence

Justices powers as conservators of the peace

Justices may
take affidavits to be
read in su-
preme court

taken before such justice or justices, be delivered by him or them to the court in which the person for whose appearance such recognizance is taken is to appear: *And further*, That each of the said justices of the justices' court shall have power to take affidavits and depositions, to be read and used in the supreme court of judicature of this state, according to the rules and practice of the said court, which affidavits shall have the same force and effect as if taken before any judge of the said court, or any commissioner empowered by law to take such affidavit, and shall be entitled to such fees therefor as are allowed by law.

CXL. *And be it further enacted*, That in all actions and suits to be brought in the said court, before the said justices, the following and no other or greater fees shall be allowed, taxed or taken by virtue of this act, that is to say:

Fees to Justices.

Justices fees

- For entering each action, twelve and an half cents.
- For every summons or warrant, twenty-five cents.
- For entering the return on every summons, warrant or execution, and filing the same, twelve and an half cents.
- For entering an appearance or default, six cents.
- For entering the substance of the plaintiff's charge or demand, upon the return of process against the defendant when served, thirty-seven and an half cents.
- For entering the substance of the defendant's plea, plaintiff's replication, or other pleading, each twelve and an half cents; and if such demand, plea, replication or other pleading, is exhibited in writing, the same shall be filed in the office of the clerk.
- For taking security, twenty-five cents.
- For every venire, thirty-seven and an half cents.
- For every subpoena for each witness, twelve and an half cents.
- For swearing a jury, thirty-seven and an half cents.
- For administering every oath, twelve and an half cents.
- For every judgment, retraxit or discontinuance, and entering the same, thirty-seven and an half cents.
- For every execution, thirty-seven and an half cents.
- For every commitment, twenty-five cents.
- For taking acknowledgment of satisfaction of judgment, six cents.
- For entering the same, six cents.
- For an adjournment and entering the same, twelve and an half cents.
- For making out a bill of costs, twelve and an half cents.
- For drawing a jury, and making a panel or jury process, twenty-five cents.
- For receiving and entering verdict, twelve and an half cents.
- For trial fee in each action of assault and battery or false imprisonment, which shall be tried by virtue of this act, and in every other action in which the sum demanded in the first process shall exceed the sum of fifty dollars, two dollars and fifty cents.
- For copies of proceedings in the said court, when required, for seventy-two words, nine cents.
- For each search, six cents.

For filing every paper or pleading, six cents.

For fees in full on granting certificate of naturalization, two dollars and fifty cents.

And the clerk of the said court shall receive the said fees and account to the said justice for the same, at least once in every month, and oftener if required by the said justices, and shall divide and pay the amount thereof to and among such of the said justices as shall have attended the court during the time in which the said fees shall have been received, in proportion to the number of days each of them shall have attended the court during that period.

Fees allowed to the Constables and Marshals.

For serving every summons, nineteen cents.

For serving every warrant, thirty-seven and an half cents.

For taking a bail bond, twenty-five cents.

For returning a summons or warrant, six cents.

For summoning a jury, fifty cents.

For taking the defendant into custody on a mittimus, commitment or execution, twelve and an half cents.

For conveying a person to gaol, twelve and an half cents.

For serving an execution, twenty-five cents, for the first two dollars and fifty cents; and at the rate of six cents for every two dollars and fifty cents more.

For travelling, if the person summoned or arrested is taken above one mile from the place where the court is holden, for every mile going only, twelve and an half cents.

For going with the plaintiff or defendant to procure security, in cases where it is ordered by the court, twenty-five cents.

For notifying defendant to give security in cases where it is ordered by the court, where the defendant is not in court, twelve and an half cents.

For notifying plaintiff for trial, twelve and an half cents.

For serving a subpoena on each witness, twelve and an half cents.

Jurors' Fees.

For every cause tried, each, twelve and an half cents.

Jurors' fees.

Fees to Witnesses, and charges for summoning them.

For each witness attending and sworn, twelve and an half cents.

Witness's fees.

For serving a subpoena on each witness, twelve and an half cents.

Fees to Gaoler.

For receiving a person committed on a warrant, mittimus, commitment or execution, fifty cents, and no more, under the pretence or by virtue of any other law of this state.

Gaoler's fees.

CXLI. And be it further enacted, That the whole amount of the money to be levied or paid upon any execution, to be issued by virtue of this act, exclusive of poundage, shall be mentioned therein, including the costs of suit; and the assistant justice issuing the same, or the clerk of the justices' court, as the case may be, shall indorse on every execution the amount of the debt or damages and costs, and also the amount of poundage separately and distinctly, which are to be levied or paid thereon, and sign his

Debt and cost
and poundage
to be indorsed
on execution.

name to the said indorsement ; and the constable or marshal to whom such execution shall be delivered, shall not demand the fees for serving the same until it shall be served, nor shall the poundage be paid or retained only in proportion to the sum received on such execution.

Constable or marshal in what cases to be prohibited from serving process.

CXLII. *And be it further enacted*, That in case any constable or marshal shall be prosecuted for any money collected by him in his official capacity, and retained by him, or shall be guilty of any disorderly or improper conduct in or towards either of the said courts, to be held by virtue of this act, then and in such case it shall be lawful for the said court, in its discretion, to prohibit such constable or marshal to serve or execute any process or execution thereafter to be issued out of such court in any civil cause whatsoever.

Certiorari how to be obtained

CXLIII. *And be it further enacted*, That no judgment, order or proceeding whatsoever to be had or made by virtue of this act, shall be removed by habeas corpus, or writ of error, or false judgment, nor shall any certiorari be allowed to remove any judgment, order or proceeding whatsoever, to be had by virtue of this act, unless the party applying for such certiorari shall, within thirty days after such judgment given, make satisfactory affidavit that there is reasonable cause for granting such certiorari to remove such judgment, order or proceeding, either for error therein or for some unfair practice in the assistant justice or justices' court, before whom the said cause shall have been tried, which shall be particularly specified in such affidavit ; which affidavit may be made before one of the justices of the supreme court, or the mayor or recorder of the city of New-York, or before one of the commissioners for taking affidavits, to be read in the said supreme court, which affidavit shall be left with the judge or recorder who may allow such certiorari ; and every person who shall bring such certiorari, shall, at the time he serves the same, deliver to the assistant justice, or court who gave the judgment, a copy of the affidavit upon which the certiorari was obtained ; and it shall be the duty of the assistant justice, or court making return to the said certiorari, to return specially as to the facts set forth in the affidavit, and annex the copy of the affidavit on which the certiorari was obtained to the return ; and if any certiorari or other writ shall be granted or issued, otherwise than as above mentioned, the same shall be void and of no effect : *And further*, That no execution upon any judgment to be given by virtue of this act, shall be prevented or stayed by any certiorari or other writ, in case the party in whose favour such judgment shall be given, shall give such security as may be satisfactory to the court, to restore the debt or damages for which such judgment shall be obtained, with the interest and costs, in case such judgment should be reversed ; and if any judgment to be given by virtue of this act, shall be removed into the supreme court by certiorari, and be there confirmed, then the party prosecuting such certiorari, shall pay to the adverse party all costs of defending such suit in the supreme court, to be taxed, and the party entitled to such costs, shall and may have execution for the same out of the said supreme court, against the body or goods and chat-

Not to stay execution, if security to refund be given.

Costs on affirmation or reversal of judgment by whom to be paid.

tels of the party who ought to pay the same ; but if such judgment shall be reversed, then the party procuring such certiorari shall recover his or her costs in like manner : *Provided always*, That in all judgments removed by certiorari as aforesaid, the supreme court shall proceed and give judgment according as the very right of the case shall appear, without regarding any imperfection, omission or defect in the proceedings in the court below in mere matter of form, and that so much of the said act, entitled " an act concerning amendments and joistails," as may be applicable, shall be deemed at all times to apply as fully to judgments and proceedings under this act, as to judgments and proceedings in any other court of record in this state.

Supreme court to give judgment according to right, without regard to form

CXLIV. *And be it further enacted*, That all attorneys and other officers of any court, except during the sitting thereof, may be proceeded against under this act in like manner as other persons, any law, usage or custom to the contrary notwithstanding.

Attornies, etc. liable to suit as other persons

CXLV. *And be it further enacted*, That if any person or persons shall prosecute any action in the supreme court of this state, or in the mayor's court in the city of New-York, and it shall appear to the court wherein such action shall be prosecuted, at the trial thereof, that the same is within the provision of this act, as respects suits by and between seamen, mariners and others, belonging to any ship or vessel in any merchant service, the plaintiff or plaintiffs shall not be entitled to recover costs, but shall pay costs to the defendant or defendants, in such case to be taxed : *Provided nevertheless*, That if any suit or action, which is so within the provision of this act, shall be prosecuted in the supreme or mayor's court, for any sum above fifty dollars, if the plaintiff shall recover in the said mayor's court more than fifty dollars, or in the said supreme court more than one hundred dollars, he shall not be barred of his right to recover costs.

Plaintiff prosecuting maritime causes in supreme or mayor's court, to pay costs in certain cases

Proviso

CXLVI. *And be it further enacted*, That the mayor, recorder and aldermen of the city of New-York, for the time being, or any three or more of them, of whom the mayor or recorder to be one, shall hold the courts of sessions of the peace, in and for the city and county of New-York, and each of them, the said mayor, recorder and aldermen, shall hereafter have the power of justices of the peace, in and for the city and county of New-York, as fully, and in the same manner as if this act had not been made.

Mayor, recorder and aldermen to hold sessions and have the power of justices of the peace

CXLVII. *And be it further enacted*, That every clerk to be appointed by virtue of this act, shall, before he shall be permitted to enter upon the official duties of his office, enter into bond with one or more sufficient surety or sureties, to the mayor, aldermen and commonalty of the city of New-York, in the penal sum of two thousand five hundred dollars, jointly and severally, to answer the said mayor, aldermen and commonalty, and the parties, if any shall complain, and conditioned that such clerk shall well and faithfully execute the said office of clerk, without fraud, deceit or oppression ; and every person who is now elected, or appointed to the office of constable or marshal in the said city, and every person who shall hereafter be elected or appointed to the office of constable or marshal in the said city, shall before he shall be permitted to execute the said office, enter into bond

Clerk of justices court to give bond

Condition thereof

Constable and marshal to give bond

with one or more sufficient surety or sureties to the said mayor, aldermen and commonalty, in the penal sum of five hundred dollars, jointly and severally, to answer to the said mayor, aldermen and commonalty, and the parties if any shall complain, and conditioned that such constable or marshal shall well and faithfully, in all things, perform and execute the duties of the said office of constable or marshal without fraud, deceit or oppression; all which said bonds shall be delivered to the said mayor of the said city, who shall judge of, and determine the competency of the sureties, and shall file the said bonds in the office of the clerk of the said city and county: And in case of any recovery by any person agrieved, against either such clerk, constable or marshal, for any default or misconduct in office, it shall be lawful for the presiding judge or judges of the mayor's court of the said city, upon motion in open court, and upon shewing that such recovery hath been had, and that the said judgment is at the time of making the said motion unsatisfied, to order the bond so given by such clerk, constable or marshal, to be put in suit against such clerk, constable or marshal, or his surety or sureties, or all, or any, or either of them, and when judgment shall be obtained on such bond, the said mayor's court shall, upon motion in open court, direct so much money to be levied thereon as shall be sufficient to pay the party, the debt or damages so recovered, with costs, and to be paid to such party agrieved; but if such clerk, constable or marshal, or his surety or sureties, or either of them, shall pay the debt or damages so recovered, with costs, then such suit on such bond shall be stayed, and be no further prosecuted: *And further*, That if after judgment obtained upon such bond, any other party agrieved, and who shall have recovered any debt or damages against such clerk, constable or marshal, for any default or misconduct in his office, shall apply as aforesaid, to the said mayor's court for relief, the said court shall direct such further sum to be levied on the judgment on such bond, as shall be sufficient to pay the debt or damages so recovered, with costs, and to be paid to such party agrieved, and so as often as any recovery shall be had against such clerk, constable or marshal, for any misconduct or default in office: *Provided*, That the surety or sureties in such bond shall not be charged beyond the amount of the sums respectively in which they shall be bound in each bond: *And provided*, If two or more such recoveries shall be had against such clerk, constable or marshal, at the same time amounting together to more than the whole amount of the sum contained in such bond, then the said court shall order the monies to be levied thereupon, to be distributed to the parties respectively, in proportion to the respective amount of their respective recoveries: *And further*, If any constable or marshal now elected or appointed, or hereafter elected or appointed, shall neglect to enter into bond as aforesaid, such constable or marshal shall not be permitted to execute any process which shall issue out of either of the courts created and established in and by this act, in any civil case whatsoever, until he shall enter into bond as aforesaid.

Condition thereof

Sureties to be approved by mayor

Bonds where filed

When to be sued, and proceedings thereupon

Suits when stayed

Further sums how levied on such bonds

Constable or marshal not to execute process before giving bond

Further jurisdiction of just. court.

CXLVIII. *And be it further enacted*, That the said justices' court shall have cognizance of suits on surety bonds taken in the

said court, and that all bonds which may hereafter be taken upon the adjournment of any cause, shall be considered good and valid against the obligor or obligors, although subsequent adjournments are had after the execution of such bond or obligation.

Certain bonds declared valid.

CXLIX. *And be it further enacted,* That in every suit to be brought before the said justices, or assistant justices, for any penalty contained in this act, or in the charter of the city of New-York, or in any law or ordinance of the common council of the said city; a warrant (if required) shall issue in the first instance, and as soon as judgment shall be obtained for such penalty, execution shall issue for the same with costs of suit, without any respite or delay; which execution shall be against the goods and chattels of the defendant or defendants, and for want of such goods and chattels against his, her or their body or bodies, and shall be contained in one and the same precept.

Suits for penalties how commenced, and execution how to issue

Collection of Taxes.

CL. *And be it further enacted,* That the mayor, recorder and aldermen of the city of New-York, shall be the supervisors of the said city, and as such shall annually on the second Tuesday of July, meet together at the city-hall of the said city, and at such other times and places as they shall find necessary, and examine and ascertain what sums of money are by law imposed on the said city in that year, for the maintenance of the poor, for defraying the contingent charges of said city, and for other purposes, and shall cause the same to be raised, levied and collected in the said city, in the same manner as the contingent charges of the several counties of this state are directed to be levied and collected, by the act, entitled "an act for defraying the public and necessary charges in the respective counties of this state," and the same shall in like manner be paid to the chamberlain of the said city; and the said mayor, aldermen and commonalty, and chamberlain, shall respectively proceed relative thereto in like manner, and subject to the like restrictions and regulations as the supervisors and treasurers of the other counties of this state are by the said act respectively required to do in relation to the contingent charges of the said counties.

Mayor, recorder and aldermen, to be supervisors for city of N. York

Their duty as to taxes.

CLI. *And be it further enacted,* That the chamberlain of the said city shall, in respect to all monies so to be levied and collected, and also in respect to all monies to be levied and collected in the said city, for the use of this state, perform the like duties as the treasurers of the several counties of this state, are by the said act required to do and perform, and be accountable in like manner to the said mayor, recorder and aldermen, as the supervisors of the said city, and once in every year, between the third Tuesday of November and the first Tuesday of December, and at such other times and at such places as the said mayor, recorder and aldermen shall direct, exhibit to them his books and accounts, and all vouchers relating to the same, to be examined and audited; and shall also before entering upon the execution of his office, give the like security by bond, to the mayor, aldermen and commonalty of the said city, and the obligors in such bond, their

Chamberlain to be treasurer of city, and subject to like regulations as other county treasurers.

heirs, executors or administrators, shall jointly and severally be liable to be prosecuted on such bond, and such chamberlain shall also be liable to such other actions, and in the like cases, as the said treasurers of the other counties of this state and their sureties are respectively liable to by the said act, and the monies recovered in any such action shall be paid and applied in the like manner: and in case of the death, resignation or removal from office of such chamberlain, all the books and papers belonging to his office, shall be delivered to his successor in office, upon oath, in like manner as in the case of the death, resignation or removal from office of the treasurer of any other county, and upon refusal or neglect, so to do when lawfully demanded, every person so refusing or neglecting shall forfeit the like penalties to the mayor, aldermen and commonalty of the said city, to be recovered and applied in like manner as in the case of such refusal or neglect, on the death, resignation or removal from office of the treasurer of any other county.

How monies
received by
him shall be
paid.

CLII. *And be it further enacted,* That all monies which shall come to the hands of the chamberlain of the said city, for the maintenance of the poor, and for defraying the other contingent expenses of the said city, or for any other purpose in the said city, and for any penalties or forfeitures incurred by virtue of this act, and appropriated hereby to the use of the said city, shall be paid by him to such persons and in such manner as the mayor, aldermen and commonalty of the said city in common council convened, by warrant under the hand of the mayor or recorder of the said city, presiding in such common council, shall from time to time direct; and the said chamberlain shall be entitled to retain for his services, the sum of five hundred dollars per annum; and he shall annually on the first Monday in December, publish in one or more of the public newspapers in the said city, a statement of all monies received by him, for the use of the said city, and the purposes to which the same have been applied, as mentioned in such warrants.

His salary.

Annually to
publish an ac-
count of re-
ceipts and ex-
penditure.

How many to
constitute
quorum of
supervisors

CLIII. *And be it further enacted,* That it shall be lawful for the mayor, recorder and aldermen of the said city, or any five or more of them, of whom the mayor or recorder shall always be one, to do and perform every act which the said mayor, recorder and aldermen, are by this act authorised or required to do in relation to taxes, and all questions at any meeting shall be determined by the opinion of the majority of the members attending the same.

Penalty on
supervisors for
neglect of du-
ty.

CLIV. *And be it further enacted,* That if any mayor, recorder or aldermen of the said city and county of New-York, shall wilfully neglect or refuse to perform any of the duties required of him by the four last preceding sections of this act, he shall for every such offence incur the like forfeiture as in the case of such refusal or neglect by any supervisor in the other counties of this state, by virtue of the said act, and to be recovered and applied in like manner.

Collectors of
taxes when to
pay monies
collected to
the chamber-
lain.

CLV. *And be it further enacted,* That the collectors of taxes in the city and county of New-York, shall severally on the first Monday in each and every month, and oftener if thereunto

required by the said chamberlain or treasurer, pay to the said chamberlain or treasurer the monies by them from time to time collected, and shall exhibit to him their respective assessment rolls whenever they shall be so required to do by said chamberlain, for the inspection of the mayor, aldermen and commonalty aforesaid, under the penalty of two hundred and fifty dollars for each default in the premises, to be sued for in any court having cognizance of the same; and it shall be the duty of the said mayor, aldermen and commonalty in common council convened, to prosecute for the same, and to appropriate such penalties when recovered to the support of the poor of said city.

And exhibit their assessment rolls.

Penalty for neglect.

How recovered and appropriated.

CLVI. *And be it further enacted*, That whenever any tax of any description on lands or tenements in the said city, shall remain unpaid on the day upon which the collectors are limited, by law to account for the collection of the same; and the collector of the ward in which the same shall be charged, shall make affidavit before the mayor or recorder, or one of the aldermen of the said city, that the owner or owners of the premises on which the same is imposed, could not upon diligent inquiry, be found, or that being found, he, she or they had not sufficient personal estate in the said ward, whereon the said tax could be levied, it shall be lawful for the mayor, recorder and aldermen of the said city, or any seven of them, of whom the mayor or recorder shall be one, to issue a warrant under their hands and seals, directed to and requiring some proper person to levy the said tax, by distress and sale of the goods and chattels of the owner or owners of such lands or tenements respectively, wheresoever the said goods and chattels may be found in the said city, together with the costs and charges of such distress and sale, rendering the overplus (if any) to the person or persons whose goods and chattels shall be so distrained and sold: *And further*, Whenever any such tax shall remain unpaid as aforesaid, and the collector shall make such affidavit as is above mentioned, it shall and may be lawful for the mayor, aldermen and commonalty of the said city, in common council convened, (instead of the above proceeding by distress and sale, or at any time thereafter, if a warrant of distress should be issued and the said tax should not be collected thereupon) to take order for advertising the same in two or more of the public newspapers, printed in the said city, for three months, each day successively, (except Sundays) thereby requiring the owners of such lands and tenements respectively, to pay the amount of such tax so remaining unpaid, to the treasurer or chamberlain of the said city; and that if default shall be made in such payment, such lands and tenements shall be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the amount of the tax so remaining unpaid, together with all costs and charges accrued thereon; and if, notwithstanding such notice, the owner or owners shall refuse or neglect to pay the amount of such tax, with the charges attending such notice and advertisement, and the costs and charges aforesaid, then it shall and may be lawful for the said mayor, aldermen and commonalty, to cause such lands and tenements to

Taxes on real estate, how collected in certain cases.

By distress & sale of goods.

Or by advertisement and sale of such real estate.

be sold at public auction for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser, under the common seal of the said city, and such purchaser, his executors, administrators and assigns, shall by virtue thereof and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof; and all persons claiming under him or them, until his said term therein shall be fully complete and ended, and be at liberty to remove all the buildings which he, she or they shall erect thereon during the said term, within one month after the expiration of the said term.

Provisions of last section extended to former arrearages.

CLVII. *And be it further enacted*, That all the provisions herein before made, relative to taxes on lands or tenements within the city of New-York, remaining unpaid, shall apply to all such taxes charged on lands and tenements within the said city, as shall appear by the returns of the respective collectors at any time heretofore to be in arrear.

Arrearages when collected how credited.

CLVIII. *And be it further enacted*, That whenever the arrearages of any tax shall be collected in manner aforesaid, it shall be carried to the credit of the ward in which it shall be charged.

Register in and for the City of New-York.

Register's office established.

CLIX. *And be it further enacted*, That all that part of the former duty of the clerk of the city and county of New-York, which appertains and relates to the registering of mortgages, and to the recording of deeds, conveyances and other writings which by law are directed, or hereafter may be directed to be registered or recorded, shall continue to be held, exercised and enjoyed by a person to be appointed as is herein after mentioned, and be called the register in and for the city and county of New-York; and that such register shall be appointed by the person administering the government of this state, by and with the advice and consent of the council of appointment, and shall have and enjoy all the rights and powers, and perform all the duties which were formerly performed by the clerk of the city and county of New-York, in relation to the recording and registering of deeds, conveyances, mortgages and other writings: *Provided however*, That the present register shall continue in office until another shall be appointed as aforesaid.

Register to be appointed by council of appointment.

His rights & powers.

Clerk of N. York prohibited from performing certain acts.

CLX. *And be it further enacted*, That the clerk of the city and county of New-York, shall forever hereafter be relieved, restrained and precluded from doing or performing any duties or services, or any act, matter or thing whatsoever as clerk of the city and county, so far as the same relates to the registering of mortgages and recording of deeds, conveyances and other writings which by law are or hereafter may be directed and required to be recorded or registered.

Register's fees.

CLXI. *And be it further enacted*, That the said register may demand and receive for his emoluments, the like fees and compensations as are now allowed by law in similar cases to clerks of counties; and the transcript of all records certified by the said register, may be read in evidence in any court of this

Transcripts of records certified by him declared legal evidence.

state, without further proof of such deed, conveyance or other writing so recorded in the said office.

CLXII. *And be it further enacted*, That in all cases where any assessment, tax, rate, charge, debt, duty or demand whatsoever in favor of, or payable to, the mayor, aldermen and commonalty of the city of New-York, or to any person or persons, body politic or corporate, shall, by virtue of any act or acts of the legislature of this state, be made or in any manner become and be a mortgage, lien, charge or incumbrance upon any lands, tenements or hereditaments in the said city of New-York, or any interest therein, it shall be the duty of the said mayor, aldermen and commonalty, or other mortgagees or incumbrancers, to cause a note or memorandum thereof to be made and delivered to the said register for registering in his said office, which note or memorandum shall specify and contain therein the number of the lot or lots, and the names of the streets and wards wherein the same shall be situated, or other apt and sufficient general designation of the lands, tenements or hereditaments, which shall be the subject of such mortgage, lien, charge or incumbrance, and the date of the said mortgage, lien, charge or incumbrance, or the time when the same accrued and became chargeable upon the said lands, tenements or hereditaments, and the name or names of the said mortgagees or incumbrancers, and also (where the same shall be known) of the owners and proprietors of the said lands, tenements or hereditaments, with the grounds or cause of such incumbrance; and it shall be the duty of the said register forthwith to enter and register the said note or memorandum in suitable and proper books, to be provided and kept by him for that purpose, and the said register shall immediately, on the delivery of every such note or memorandum to him for registry, make a minute or indorsement thereon, of the day, month and year and hour of the day when the same shall be delivered to and left with him, or in his office, for registry, and the registry thereof shall bear date corresponding with, and the same shall be considered as registered at the said time mentioned in such indorsement or minute, and no such assessment, rate, tax, charge, debt, duty or demand, shall in any case or manner whatsoever be or operate as a mortgage, lien, charge or incumbrance upon any lands, tenements or hereditaments, or any interest therein, so as to defeat, prejudice, or affect the title or interest of any bona fide purchaser or mortgagee of the same, unless the said note or memorandum of such mortgage, lien, charge or incumbrance shall have been duly registered as aforesaid, and the said register shall be entitled unto, and shall receive for registering every such note or memorandum from the person who shall deliver the same to him for registry, the sum of twenty-five cents: *Provided*, That it shall not be necessary for any note or memorandum of any judgment, order or decree of any court of law or equity to be registered in the said office.

A note of certain incumbrances on real estate to be delivered to register

Contents of such note

Register's duty in relation thereto

Fee for registering same

CLXIII. *And be it further enacted*, That whenever any such assessment, rate, tax, charge, debt duty or demand shall be satisfied or discharged, and a certificate signed by the incumbrancers, their successors, executors, administrators or assigns, or any

Such incumbrance being discharged, register to enter a minute thereof

person by them thereunto authorised, and proved and acknowledged in the manner by law required for the acknowledgment or proof of deeds, shall be produced to the said register, such register shall enter into the said book of registry a minute of such discharge and certificate, which minute shall be deemed and taken to be a full and absolute bar to the first entry of such note or memorandum of such assessment, rate, tax, charge, debt, duty or demand, but it shall not be necessary for the said register, on entering such minute, or registering any such note or memorandum aforesaid, to record or register the same, or any certificate of the proof or acknowledgment thereof, at length or more fully than herein before is directed; and the said register shall be entitled to demand and receive from the person producing such certificate of discharge for entering such minute thereof, the sum of twenty-five cents.

Register to make index to each book of registry And a general index to all of them

CLXIV. *And be it further enacted*, That the said register shall make an index to each book of registry of mortgages and incumbrances, and also a general index to all the said books of registry of mortgages and incumbrances, and shall from day to day, and time to time, as the said mortgages and incumbrances shall be registered or entered as aforesaid, make an entry in the index of the books wherein the same shall be registered or entered, and also in the said general index of the name and names of each and every mortgagor, debtor and owner or proprietor of land, mortgagee, incumbrancer and party named in such mortgage, or in such note or memorandum of assessment, rate, tax, charge, debt, duty or demand, so to be registered or entered as aforesaid, arranged alphabetically under the initial letters of the name of each and every mortgagor, debtor, owner or proprietor of land, mortgagee, incumbrancer and party named therein, with proper references in the said general index to the book of registry, wherein the said mortgages and incumbrances shall be entered or registered, to which books of registry and indexes all persons shall have free access for search at all reasonable times during the day time, and which the said register shall be bound to exhibit to those who wish to search.

Register's fees for searches

CLXV. *And be it further enacted*, That the fees of the said register, for searches for deeds and conveyances, or for mortgages and incumbrances, shall be the same as are now, or as may hereafter be allowed and provided for by law for the like services, but that no additional charge shall be made for such indexes, as are herein directed to be made by the said register.

Clerk of the Common Council.

Clerk of New-York inhibited from acting as clerk of common council

CLXVI. *And be it further enacted*, That the clerk denominated in the charter of the city of New-York, the common clerk, now usually called the clerk of the city and county of New-York, shall forever hereafter be relieved, restrained and prohibited from doing or performing any duties or services or any act, matter or thing whatsoever, as clerk of the common council of the said city of New-York.

CLXVII. *And be it further enacted*, That the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall and may from time to time, and at all times

forever hereafter, choose and appoint a clerk to be clerk of the common council of the city of New-York only, and to remove such clerk, and to appoint another from time to time as often as the said council shall deem fit so to do, which said clerk and clerks so to be chosen and appointed, shall receive, have and take charge of and keep such seal and all such muniments, records, patents, deeds, minutes, writings and papers belonging to the mayor, aldermen and commonalty of the city of New-York, as the said common council shall, from time to time, direct or order to be delivered to and kept by the said clerk and clerks so, from time to time, to be appointed, under the direction and subject to the order and controul of the said common council: *Provided nevertheless*, That nothing herein contained shall be construed to prevent the legislature, at any time within their discretion, from altering or repealing this section and the last preceding section of this act.

Common council may appoint their own clerk

His duty

The Salary of the Mayor, &c.

CLXVIII. *And be it further enacted*, That the office of clerk of the market within the city of New-York, and all and singular the fees and profits, revenues and emoluments, granted by the charter of the city of New-York to the mayor of the said city, or which the said mayor by the said charter or by any law or usage is entitled unto or allowed to receive and take to his own use, except the fees and perquisites which he is by law entitled to as judge of the court of common pleas, called the mayor's court, be and the same hereby are granted to and vested in the mayor, aldermen and commonalty of the city of New-York, and their successors for ever, and that it shall not be lawful to or for any mayor of the said city of New-York, at any time after the passing of this act, to receive or take to his own use, any of the said fees, profits, revenues or emoluments, granted to and vested in the said mayor, aldermen and commonalty of the said city of New-York, by this act as herein aforesaid; but that the said fees, profits, revenues and emoluments, and every part thereof, shall and may hereafter be received and taken by the said mayor, aldermen and commonalty of the said city of New-York, or such officers and persons as they may, from time to time, see fit to appoint for the purpose, to be used and applied to the public use of the said mayor, aldermen and commonalty of the said city of New-York, and their successors forever.

Office of clerk of the market and mayoralty fees granted to the corporation of New-York.

CLXIX. *And be it further enacted*, That the mayor of the said city of New-York, shall and may be allowed, and have to his own use, for his compensation as mayor of the said city of New-York, such part or proportion of the said fees, profits, revenues and emoluments or any of them, not exceeding in amount the sum of seven thousand, nor less than the sum of five thousand five hundred dollars, as the said mayor, aldermen and commonalty of the said city of New-York, or their successors, in common council convened, shall from time to time think proper to allow him: *Provided*, That it shall be lawful to and for the said mayor, aldermen and commonalty of the said city of New-York, in common council convened, at any time or times to allow

Salary of the mayor to be fixed by common council.

Not to exceed 7000 dollars, nor be less than 5500 dollars.

To be paid out of mayoralty fees, or from city treasury.

Mayor's salary when agreed upon, not to be diminished during the mayoralty.

and pay out of the city treasury, to the mayor of the said city for the time being, as and for his compensation, a yearly sum not exceeding seven thousand dollars, nor less than five thousand five hundred dollars, to be paid in quarterly payments, in equal proportions, on such days as the said common council shall appoint for the purpose; and which said yearly sum or allowance shall be in lieu of all fees, perquisites, revenues and other emoluments whatsoever, except only the fees and perquisites of the said mayor as a judge of the court of common pleas, called the mayor's court: *And provided also*, That the compensation or allowance to the mayor of the said city for the time being, when settled and agreed upon by the said mayor, aldermen and commonalty of the said city of New-York as aforesaid, shall not be diminished during the mayoralty of the said mayor.

Recording of Deeds.

Certain deeds to be recorded

CLXX. *And be it further enacted*, That no deed or conveyance in fee simple absolute of any lands, tenements, hereditaments or real estate, within the city and county of New-York, which hath been made and executed since the first day of April, in the year of our Lord one thousand eight hundred and eleven, shall be deemed or taken to be good and effectual in the law, as against any subsequent purchaser or mortgagee bona fide, and for valuable consideration, and without notice of such prior deed or conveyance, unless such deed or conveyance was recorded at length in the office of the clerk of the said city and county, on or before the first day of May, in the year of our Lord one thousand eight hundred and twelve, or hath been or shall be so recorded in the office of the register in and for the said city and county, previous to a subsequent purchase or mortgage as aforesaid.

Certain deeds hereafter made, also to be recorded.

CLXXI. *And be it further enacted*, That every such deed or conveyance which shall hereafter be made and executed, in order to be good and effectual in the law, as against any subsequent purchaser or mortgagee bona fide, and for valuable consideration, and without notice of such prior deed or conveyance, shall be recorded at length in the office of the said register, in the books now used, or hereafter to be provided by him for that purpose.

Register to note on deed the time when left with him.

CLXXII. *And be it further enacted*, That the said register shall make a note or memorandum on any deed or conveyance hereby directed to be recorded, and which shall be left with him, or in the said office, to be recorded, of the day, month and year, and the hour of the day, when the same shall so be left with him, or in his office, to be recorded as aforesaid; and that the record thereof shall bear date corresponding with the time mentioned in such note or memorandum.

Record to bear corresponding date.

And to the end that accurate information may be obtained by all persons respecting the deeds or conveyances so to be recorded:

Register to make an index to each book of record.

CLXXIII. *Be it further enacted*, That the said register shall make an index to each book of such records, and from day to day, and time to time, as the same deeds or conveyances shall be recorded, make an entry therein of the name and names of

each and every grantor and grantors, and grantee and grantees, and parties named in such deed or deeds or conveyances, respectively arranged alphabetically, under the initial letters of the name of each and every grantor and grantors, grantee and grantees, or party or parties named therein, either as conveying or receiving title thereby, to which records and indexes all persons shall have free access for search, at all reasonable times during the day time, and which the said register shall be bound to exhibit to those who wish to search.

CLXXIV. *And be it further enacted,* That the fees for recording such deeds and conveyances, and making searches therefor, shall be the same as is now, or as may hereafter be, provided for by law for the like services, but that no additional charge shall be made for such index as is before directed to be made.

Register's fees
for recording.

Paving and Regulating Streets, &c.

CLXXV. *And be it further enacted,* That it shall be lawful for the said mayor, aldermen and commonalty, to cause common sewers, drains and vaults, to be made in any part of the said city, and to order and direct the pitching and paving the streets thereof, and the cutting into any drain or sewer, and the altering, amending, cleansing and scouring of any street, vault, sink or common sewer, within the said city; and the raising, reducing levelling or fencing in, any vacant or adjoining lots in the said city; and to cause estimates of the expense of conforming to such regulations to be made, and a just and equitable assessment thereof among the owners or occupants of all the houses and lots intended to be benefitted thereby, in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire; and the said mayor, aldermen and commonalty shall appoint such skilful and competent disinterested persons as they shall or may think proper to make every such estimate and assessment, who before they enter upon the execution of their trust, shall severally take an oath before the mayor or recorder of the said city, to make the said estimate and assessment fairly and impartially, according to the best of their skill and judgment; and the said persons after having made such estimate and assessment, shall certify the same in writing to the said mayor, aldermen and commonalty, in common council convened, and being ratified by the said council, shall be binding and conclusive upon the owners and occupants of such lots so to be assessed respectively, and shall be a lien or charge on such lots as aforesaid; and such owners or occupants shall also respectively be liable upon demand, to pay the sum at which such houses or lots respectively shall be so assessed, to such person as the said common council shall appoint to receive the same; and in default of such payment or any part thereof, it shall be lawful for the mayor, recorder and aldermen of the said city, or any five of them, of whom the mayor or recorder shall be one, by warrant under their hands and seals to levy the same by distress and sale of the goods and chattels of such owner or occupant refusing or neglecting to pay the same, rendering the overplus, (if any) after deducting the charges of such distress and sale to such owner or occupant, and the money, when paid or re-

Corporation
to cause sew-
ers to be made
streets paved
and cleansed,
and vacant
lots filled in,
etc.

Expenses
thereof how
estimated and
assessed.

Assessment to
be ratified by
common coun-
cil.

And in default
of payment to
be levied by
distress and
sale.

Agreement between landlord and tenant, not affected.

Persons paying for others to recover back.

Further assessment how made.

Streets, avenues and squares how to be opened.

covered, shall be applied towards making, altering, amending, pitching, paving, cleansing and scouring such streets, and making and repairing such vaults, drains and sewers as aforesaid, and raising, reducing, levelling or fencing in, such lots as aforesaid : *Provided however,* That nothing herein contained shall affect any agreement between any landlord and tenant, respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never been made ; and if any money so to be assessed, be paid by any person, when by agreement or by law the same ought to have been borne and paid by some other person, it shall then be lawful for the person paying, to sue for, and recover the money so paid, with interest and costs, as so much money paid for the use of the person who ought to have paid the same ; and the assessment aforesaid, with proof of payment, shall be conclusive evidence in such suit.

CLXXVI. *And be it further enacted,* That if upon completing any such regulation, it shall appear to the said mayor, aldermen and commonalty, that a greater sum of money had been *bona fide* expended in making such regulation than the sum estimated and collected as aforesaid, it shall then be lawful for the said mayor, aldermen and commonalty, to cause a further assessment equal to such excess, to be made and collected in manner aforesaid ; and in case the sum actually expended shall be less than the sum expressed in such estimate, and collected as aforesaid, the surplus shall forthwith be returned to the persons from whom the same were collected, or their legal representatives.

Opening and Laying out Streets, &c.

CLXXVII. *And be it further enacted,* That whenever and as often as the mayor, aldermen and commonalty of the city of New-York, shall be desirous to open any street, avenue, square or public place, or any particular part or section of any street or avenue laid out by the commissioners of streets and roads in the city of New-York, under and by virtue of the act, entitled “ an act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes,” passed April 3d, 1807, and also whenever and as often as so many proprietors of lands fronting on any such street, avenue, square or public place, or any particular part or section of any such street, avenue, square or public place as shall together own three fourth parts of all the lands fronting on such street, avenue, square or public place, or on such part or section of any such street, avenue, square or public place, shall by petition, desire the said mayor, aldermen and commonalty to open any such street, avenue, square or public place, or any such particular part or section of any such street, avenue, square or public place, and the said mayor, aldermen and commonalty shall deem the opening thereof to be necessary or useful, it shall be lawful for the said mayor, aldermen and commonalty to cause the same to be opened, and the lands, tenements and hereditaments that may be required for the purpose of opening the same, may be taken for that purpose, and compensation and recompence made to the parties and persons, if any such there shall be, to whom the loss and damage thereby shall be deemed to exceed the benefit and ad-

vantage thereof, for the excess of the damage over and above the value of the said benefit, in the manner hereinafter for that purpose directed and prescribed ; and whenever and as often also as it shall in the opinion of the said mayor, aldermen and commonalty, in common council convened, be necessary or desirable for the public convenience or health to lay out, form and open any street or streets or public place or places in any part of the said city, not laid out into streets, avenues, squares and public places by the commissioners of streets and roads in the city of New-York, under and by virtue of the act aforesaid, or to extend, enlarge, straighten, alter or otherwise improve any street or streets or part of a street, or public place or places, already laid out or hereafter to be laid out, and formed or opened in any part of the said city not laid out into streets, avenues, squares and public places by the commissioners aforesaid, it shall be lawful for the said mayor, aldermen and commonalty of the city of New-York, to order and direct the same to be done, and to cause the same to be done accordingly in such manner as they shall think most advisable, notwithstanding it may become necessary for that purpose to remove any building or buildings, or to take any lands, tenements, hereditaments or premises whatsoever : And if the said mayor, aldermen and commonalty shall require any lands, tenements, hereditaments or premises of any person or persons, or body politic or corporate for any such purpose the same may be taken and appropriated to such use, and compensation and recompence made to the parties and persons respectively, if any such there shall be, to whom the loss and damage thereby shall be deemed to exceed the benefit and advantage thereof, for the excess of the said damage above the said benefit, in the manner for that purpose hereinafter mentioned and provided.

CLXXVIII. *And be it further enacted,* That whenever and as often as any lands, tenements, hereditaments or premises whatsoever shall be required for the said purpose of opening any such public square, place, street, or avenue, or part or section of a street or avenue, in the said city of New-York, laid out by the commissioners aforesaid, under and by virtue of the act aforesaid so to be opened, or for the said purposes of laying out and forming or extending, enlarging, straightening, altering or otherwise improving any street or public place, so to be laid out and formed or opened, or so to be extended, enlarged, straightened, altered or otherwise improved, in any part of the said city not laid out into streets, avenues, squares and public places, by the commissioners aforesaid, under the act aforesaid, or for any or either of the said purposes, it shall be lawful for the said mayor, aldermen and commonalty, to make application or to cause application to be made to the supreme court of judicature of this state, for the appointment of commissioners ; and it shall be lawful for the said court to whom such application shall be made, on any such application to nominate and appoint three discreet and disinterested persons, being citizens of the United States, commissioners of estimate and assessment, for the purpose of performing the duties hereinafter in that behalf prescribed, which

On application of corporation, sup. court to appoint three commissioners to ascertain damages, etc.

Commissioners to be sworn

Duty of commissioners.

To make estimate of damage, and benefit to parties interested in land required for streets, etc.

said commissioners before they enter upon the performance of the duties of their appointment shall severally take and subscribe an oath or affirmation, before some person authorised by law to administer oaths, "faithfully to perform the trust and duties required of them by this act," which oath or affirmation shall be filed in the clerk's office of the city of New-York; and it shall be the duty of the said commissioners, after having viewed the lands, tenements, hereditaments and premises so required for the purpose of opening the said public square or place, street, avenue or part or section of a street or avenue so to be opened, or for the purpose of laying out and forming the street or streets, or public place so to be laid out and formed, or for the purpose of extending, enlarging, straightening, altering, or otherwise improving the street or public place so to be extended, enlarged, straightened, altered, or otherwise improved as the case may be, and the lands, tenements, hereditaments and premises, on each side of the same halfway to the next street or avenue thereto (if they shall deem such view to be necessary or useful) and after causing all such surveys, maps, profiles, plans and other things as they may judge necessary to be made, done and prepared for their use, to proceed to and make a just and equitable estimate and assessment of the loss and damage, if any, over and above the benefit and advantage, or of the benefit and advantage, if any, over and above the loss and damage, as the case may be, to the respective owners, lessees, parties and persons respectively, entitled unto, or interested in the lands, tenements, hereditaments and premises, so required for the purpose, by and in consequence of opening such public square or place, street, avenue, or part or section of a street or avenue so to be opened, or by and in consequence of laying out and forming such public street or place so to be laid out and formed, or by and in consequence of extending, enlarging or otherwise improving the street or public place so to be extended, enlarged, or otherwise improved, as the case may be, and a just and equitable estimate and assessment also of the value of the benefit and advantage of such said public square or place, street, avenue, or part or section of a street or avenue so to be opened, or such street or public place so to be laid out and formed, or of such extension, enlargement or other improvement of the street or public place so to be extended, enlarged, or otherwise improved, as the case may be, to the respective owners, lessees, parties and persons respectively, entitled unto or interested in the said respective lands, tenements, hereditaments and premises not required for the purpose of opening, laying out and forming or extending, enlarging or otherwise improving the same, but fronting or to front thereon, or being at and within half the distance of the next street or avenue thereto from the same on each side thereof, and which the said commissioners may deem to be benefited by such public square or place, street, avenue, or part or section of a street or avenue so to be opened, or such street or public place so to be laid out and formed, or so to be extended, enlarged or otherwise improved, in respect to the respective estates and interest of such said owners, lessees, parties and persons respectively, so entitled unto or interested in such

said lands, tenements, hereditaments and premises, so benefited thereby; and to report to the said supreme court of judicature without unnecessary delay; and in making such estimate and assessment and report in the premises, it shall be the duty of the said commissioners in all cases where the loss and damage to the owners, lessees, parties and persons entitled unto or interested in any such lands, tenements, hereditaments or premises, so required for the purpose of any such said operation or improvement, that is to say, the operation and improvement of opening such said public square or place, street or avenue, or part or section of a street or avenue so to be opened, or the operation and improvement of laying out and forming any such street or public place so to be laid out and formed, or the operation and improvement of extending, enlarging or otherwise improving such said street or public place to be extended, enlarged or otherwise improved, as the case may be, by and in consequence of such said operation and improvement, shall in the opinion of the said commissioners exceed the value to him, her or them of the benefit and advantage of such said public square or place, street or avenue, or part or section of a street or avenue so to be opened, or of such street or public place so to be laid out and formed, or of such extension, enlargement or other improvement of the said street or public place so to be extended, enlarged or otherwise improved, as the case may be, to estimate and report the excess and surplus only, of the said loss and damage over and above the value of the said benefit and advantage as and for the compensation and recompence, and the same shall be the compensation and recompence to be made to such owner or owners, lessee or lessees, parties and persons respectively, for his, her or their loss and damage by and in consequence of the said operation and improvement of opening, laying out and forming or extending, enlarging or otherwise improving such said public square, place, avenue, street, or part or section of a street or avenue to be opened, laid out and formed or extended, enlarged or otherwise improved, as the case may be, and relinquishing the said lands, tenements, hereditaments and premises so required of him, her or them for that purpose; and in all cases where the benefit and advantage of such said public square, place, street or avenue, or part or section of a street or avenue so to be opened, or of such said street or public place so to be laid out and formed, or of such extension, enlargement or other improvement of the street or public place so to be extended, enlarged or otherwise improved, as the case may be, to any owner or owners, lessee or lessees, party or person or persons so entitled unto or interested in any such lands, tenements, hereditaments or premises so required for the purpose of the said operation of opening, laying out and forming or extending, enlarging or otherwise improving the same, will in the opinion of the said commissioners be equal and equivalent to the loss and damage of such owner or owners, lessee, or lessees, party or person or persons respectively, by and in consequence of the said operation of opening, laying out and forming or extending, enlarging or otherwise improving the same, and the relinquishment of the lands, tenements, hereditaments and premises required for that purpose, to report

And report to
sup. court.

When the damage exceeds the benefit, commissioners to report only the excess of damage.

When damage and benefit will be equal, commissioners to report accordingly.

that such owners, lessees, parties and persons respectively, will suffer no damage by or in consequence of making such said operation and improvement, and relinquishing the lands, tenements, hereditaments and premises so required of him, her or them, respectively for that purpose, the benefit and advantage thereof to him, her or them, being equal and equivalent to the loss and damage that will be sustained by him, her or them thereby ; but in all cases where the benefit and advantage of such said operation and improvement to any such owner or owners, lessee or lessees, party or person or persons so entitled unto or interested in any lands, tenements, hereditaments and premises required for the purpose of making the same, will in the opinion of the said commissioners exceed the loss and damage which he, she or they will respectively sustain by and in consequence of the making of the same, and the relinquishment by him, her or them, of the said lands, tenements, hereditaments and premises so required of him, her or them respectively for that purpose, to estimate, assess and report the excess and surplus only, of the value of the said benefit and advantage over and above the said loss and damage, as and for the sum or allowance to be allowed and paid, and the same shall be the sum or allowance to be allowed and paid by him, her or them respectively for the benefit and advantage of the said public square, place, street or avenue, or part or section of a street or avenue so to be opened, or of the said street or public place so to be laid out and formed, or of the said extension, enlargement or other improvement of the street or public place so to be extended, enlarged or otherwise improved, as the case may be, to him, her or them respectively. And in all cases also where any owner or owners, lessee or lessees, party or person or persons who may be interested in or entitled unto any lands, tenements, hereditaments or premises, not included within the limits of such public square or place, street, avenue, or part or section of a street or avenue so to be opened, or such street or public place so to be laid out and formed or extended, enlarged or otherwise improved, but fronting or to front upon or being within half the distance of the next street or avenue thereto from the same on either side thereof, will in the opinion of the said commissioners be benefited by opening, laying out and forming or extending, enlarging or otherwise improving the same, as the case may be, to estimate, assess and report the value of such benefit to such owner or owners, lessee or lessees, parties and persons respectively in respect to the said lands, tenements, hereditaments and premises wherein he, she or they may respectively be so interested ; and in which said report the commissioners who shall make the same, shall set forth the names of the respective owners, lessees, parties and persons entitled unto or interested in the said lands, tenements, hereditaments and premises, mentioned in the said report, and each and every part and parcel thereof as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the respective lots or parcels of land and other tenements, hereditaments and premises that may be required for the purpose of opening such public square, place, street or avenue, or part or section of a street or avenue so to be opened,

When the benefit exceeds the damage, commissioners to report only the excess of benefit.

Commissioners to include in their assessment lands adjacent to the street.

Names of parties interested in, & description of lands required for streets, to be set forth in report.

or laying out and forming or extending, enlarging or otherwise improving such street or public place so to be laid out and formed, or so to be extended, enlarged or otherwise improved, as the case may be, and also of the said respective lots or parcels of land and other tenements, hereditaments, and premises not included within, but deemed to be benefited by the same and so assessed by the said commissioners for the said benefit as aforesaid, and also the several and respective sums estimated and assessed as and for the compensation and recompence or the allowance to be made for the loss and damage, or for the benefit, as the case may be, of the respective owners of the fee or inheritance of such said lands, tenements, hereditaments and premises respectively, and for the loss and damage, or for the benefit, as the case may be, of the respective owners of the leasehold estates or other interests therein separately ; but in all and each and every case and cases where the owners and parties interested or their respective estates and interests are unknown or not fully known to the said commissioners, it shall be sufficient for them to estimate and assess, and to set forth and state in their said report in general terms, the respective sums to be allowed and paid to or by the owners and proprietors generally of such said lands, tenements, hereditaments and premises, and parties interested therein for the loss and damage, or for the benefit and advantage, as the case may be, to such owners, proprietors and parties interested in respect of the whole estate and interest of whomsoever may be entitled unto or interested in the said lands, tenements, hereditaments and premises respectively, by and in consequence of the said operation and improvement of opening, laying out and forming or extending, enlarging or otherwise improving the said public square or place, street, avenue, or part or section of a street or avenue so to be opened, or so to be laid out and formed or extended, enlarged or otherwise improved as the case may be, without specifying the names or the estates or interests of such owners, proprietors and parties interested, or of any or either of them ; and upon the coming in of the said report signed by the said commissioners or any two of them, the said court shall by rule or order, after hearing any matter which may be alleged against the same, either confirm the said report or refer the same to the same commissioners for revisal and correction, or to new commissioners, to be appointed by the said court, to re-consider the subject matter thereof, and the said commissioners to whom the said report shall be so referred, shall return the same report corrected and revised, or a new report to be made by them in the premises, to the said court without unnecessary delay ; and the same, on being so returned, shall be confirmed or again referred by the said court in manner aforesaid, as right and justice shall require, and so from time to time, until a report shall be made or returned in the premises, which the said court shall confirm ; and such report, when so confirmed by the said court, shall be final and conclusive, as well upon the said mayor, aldermen and commonalty of the city of New-York, as upon the owners, lessees, persons and parties interested in, and entitled unto the lands, tenements, hereditaments and premises mentioned in the said report ; and also upon all

The like as to adjacent land included in assessment.

Report how to be made when parties interested, or their estates are not known

Report to be confirmed by supreme court or referred to the commissioners for revisal or to new commissioners

Report when confirmed to be final and conclusive.

other persons whomsoever; and on such final confirmation of such report by the said court, the said mayor, aldermen and commonalty of the city of New-York, shall become and be seised in fee of all the said lands, tenements, hereditaments and premises in the said report mentioned, that shall or may be so required for the purpose of opening the said public square or place, street or avenue, or part or section of a street or avenue so to be opened, or for the purpose of laying out and forming the said street or public place so to be laid out and formed, or for the purpose of extending, enlarging or otherwise improving the street or public place so to be extended, enlarged or otherwise improved, as the case may be, the same to be appropriated, converted and used to and for such said purpose accordingly; and thereupon the said mayor, aldermen and commonalty, or any person or persons acting under their authority, may immediately, or at any time or times thereafter, take possession of the same, or any part or parts thereof, without any suit or proceeding at law for that purpose: *In trust nevertheless*, That the same be appropriated and kept open for, or as part of a public street, avenue, square or place forever, in like manner as the other public streets, avenues, squares and places in the said city are, and of right ought to be: *Provided*, That the said mayor, aldermen, and commonalty may permit any building which shall be either partly or wholly included within the limits of any such street, avenue, public square, or place laid out in the said city, by the commissioners of streets and roads in the city of New-York, under and by virtue of the before mentioned act, entitled "an act relative to improvements touching the laying out of streets and roads in the city of New-York, and for other purposes," and so to be opened as aforesaid, to remain unremoved for such time or times as they shall think proper: *Provided also*, That it shall not be lawful for the said commissioners of estimate and assessment, to be appointed under and by virtue of this act, to allow any sum or compensation whatsoever for any building or buildings which at any time subsequently to the filing of the maps mentioned in the fifth section of the said last mentioned act, may have been built, placed or erected, or which at any time hereafter may be built, placed or erected, in part or in whole, on any such street, avenue, public square, or place laid out by the said commissioners of streets and roads in the city of New-York, under and by virtue of the said last mentioned act: *But provided further*, That compensation and recompence shall be made to the owners thereof, and parties interested therein, for all buildings and improvements, erected, placed or made wholly or in part upon any part of any such street, avenue, square or public place, so to be opened, at any time before the time of the filing of the maps aforesaid: *And further*, That it shall be lawful for the said commissioners of estimate and assessment if they shall deem it just and equitable under the circumstances to do so, but not otherwise, to assess any part not exceeding one third part of the estimated value of any such building or buildings, but not of any other improvement, upon the said mayor, aldermen and commonalty of the city of New-York: *And provided also*, That if it should become necessary for the purpose of laying out and forming

Corporation thereupon to take possession of the premises required for streets, etc.

May permit certain buildings to remain unremoved.

No compensation allowed for certain buildings.

Commissioners to assess a

or extending, enlarging or otherwise improving any street or public place in any part of the said city of New-York, not laid out into streets, avenues, squares and public places by the said commissioners of streets and roads in the city of New-York, under and by virtue of the said last mentioned act, to remove any building or buildings, it shall and may be lawful to and for the said commissioners of estimate and assessment at their discretion, if they shall deem it equitable and just to do so, but not otherwise, to assess any part not exceeding one third part of the estimated value of such building or buildings upon the said mayor, aldermen and commonalty of the city of New-York: *And provided also*, That if any lands, tenements, hereditaments or premises belonging to the said mayor, aldermen and commonalty of the city of New-York, or wherein they may be interested, shall be required for any of the purposes aforesaid, or shall be benefited by any such operation and improvement as herein before mentioned, the said mayor, aldermen and commonalty shall be entitled to compensation and recompence for the loss and damage they may sustain, and shall be bound to allow and pay for the benefit and advantage they may be deemed to acquire thereby, in like manner as other owners and proprietors of lands and premises required for the purpose of making the said operation and improvement, or deemed to be benefited thereby; and it shall be lawful for the said commissioners of estimate and assessment, and they are hereby directed in such each and every case, to estimate and assess upon the principles and in the manner herein aforesaid; and to report the sum or sums which in their opinion ought to be allowed and paid to or by the said mayor, aldermen and commonalty for the said loss and damage, or for the said benefit and advantage, as the case may be, to the said mayor, aldermen and commonalty, by and in consequence of such said operation and improvement of opening the said public square, place, street, avenue, or part or section of a street or avenue so to be opened, or laying out and forming or extending, enlarging or otherwise improving the said street or public place so to be laid out and formed, or extended, enlarged, or otherwise improved, as the case may be: *And provided also*, That it shall be lawful for the said mayor, aldermen and commonalty, at any time or times, either before or after the appointment of commissioners in the premises, for any of the purposes aforesaid, to agree with the owners, lessees, parties and persons entitled unto or interested in the lands, tenements, hereditaments and premises, that either will be benefited by or may be required, for the purpose of making the operation and improvement intended to be made, or with any or with either of such owners or other parties interested therein, for and about the cession of the lands, tenements, hereditaments and premises required of him, her or them respectively, for the purpose of making such said intended operation and improvement, and for and about the compensation and recompence to be made to him, her or them for the same, or for and about the allowance or sum or sums to be allowed and paid by such owners and parties respectively, or by any or either of them, for the benefit and advantage of the public square, place, street, avenue, or part or section of a street

part of the value of buildings on corporation.

When lands belonging to corporation are required for aforesaid purposes, commissioners are to assess damages or benefit in the usual manner

Corporation may agree with parties interested for cession of the lands required for streets etc.

or avenue so to be opened, or the street or public place so to be laid out and formed, or the extension, enlargement or other improvement of the street or public place so to be extended, enlarged or otherwise improved, to him, her or them, over and above the value of the lands, tenements, hereditaments and premises, that may be required, if any lands, tenements, hereditaments or premises shall be required of him, her or them, for the purpose of opening, laying out, and forming or extending, enlarging or otherwise improving the same, and in case of any such agreement or agreements with part only of the said owners and parties entitled unto and interested in the said lands, tenements, hereditaments and premises so required for the purpose of making any such operation and improvement as aforesaid, or to be benefited thereby, the same shall be valid and binding upon the parties thereto, and the said commissioners shall, nevertheless, enter upon and make or proceed with their said estimate and assessment, and make report to the said court as to the residue of the said lands, tenements, hereditaments and premises, required for the said purpose of making such said operation and improvement, or to be benefited thereby, concerning which the owners thereof and parties interested therein shall not agree : and the said report, when confirmed, shall be of like force and effect in regard to the matters comprised therein, as if no such agreement, as to part of the premises, had been made.

Duty of commissioners when parts of lots only are required.

CLXXIX. *And be it further enacted*, That it shall be lawful for the said commissioners so to be appointed by the court aforesaid, for any of the purposes aforesaid, in all cases where part only of any lot or lots, or parcel or parcels of land, or of any other tenements, hereditaments or premises, shall be required for any of the aforesaid purposes, leaving a residue of such lot or lots, or parcel or parcels of land, or other premises belonging to the same owner or owners, or parties in interest to whom the said part thereof so required for such purpose shall belong, and they the said commissioners shall deem it expedient and proper so to do, to include and comprise in their said estimate and assessment the whole or any part of such said residue of such lot or lots, or parcel or parcels of land or other premises along with the part of the same so required for the said purpose of the said intended operation and improvement, in like manner as if the said residue or the part thereof so to be included in the said estimate and assessment was required for the purpose of making the said operation and improvement so to be made, and all the said part and residue of the said lot or lots, or parcel or parcels of land or other premises so included in the said estimate and assessment, and not required for the purpose of making such said operation and improvement, shall, on the confirmation by the said court of the said report of the commissioners, or such further report as may be made in the premises, become, and be vested in the said mayor, aldermen and commonalty of the city of New-York, and their successors in fee simple, who may appropriate the same, or any part thereof to public uses, and shall and may sell and dispose of the residue thereof, or the whole, in case of no appropriation of any part thereof for public uses : *Provided*,

CLXXX. *And be it further enacted,* That in case of the sale of the same, or any part thereof, the net money and proceeds arising and to be received therefrom, after deducting and paying the charges of such sale, and the proceedings and conveyance consequent thereon, shall be credited and allowed by the said mayor, aldermen and commonalty, towards and as part payment of the surplus, if any surplus there shall be, as the amount of the sums estimated, and reported to be paid for damages, by and in consequence of the making the said operation and improvement in the said report mentioned, over and above the amount of the sums or assessments assessed and reported to be paid for the benefit and advantage thereof to those who may be deemed to be benefited thereby.

Proceeds of sale of such parts of lots how applied.

CLXXXI. *And be it further enacted,* That in all cases where the whole of any lot or parcel of land, or other premises under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of such report in the premises as shall be confirmed by the court aforesaid respectively, cease and determine, and be absolutely discharged; and in all cases where part only of any lot or parcel of land, or other premises so under lease or other contract, shall be so taken for any of the purposes aforesaid, all contracts and engagements respecting the same, shall, upon the confirmation of such report in the premises, as shall be so confirmed as aforesaid cease, determine, and be absolutely discharged, as to the part thereof so taken, but shall remain valid and obligatory as to the residue thereof; and the rents, considerations and payments reserved or payable, and to be paid, for or in respect to the same, shall be so apportioned as that the part thereof justly and equitably payable, or that ought to be paid, for such said residue thereof, and no more, shall be demanded, or paid or recoverable, for or in respect of the same.

Contracts between landlord and tenant to cease in certain cases.

Rents to be apportioned in certain other cases.

CLXXXII. *And be it further enacted,* That the said commissioners of estimate and assessment to be appointed under and by virtue of this act, for any of the purposes aforesaid, after completing their said estimate and assessment, and at least fourteen days before they make their report to the said court, shall deposit a true copy or transcript of such estimate and assessment in the clerk's office of the city of New-York, for the inspection of whomsoever it may concern, and shall give notice by advertisement, to be published in at least two of the public newspapers printed in the city of New-York, of the said deposit thereof in the said office, and of the day on which their report will be presented to the said court; and any person or persons whose rights may be affected thereby, and who shall object to the same or any part thereof, may, within ten days after the first publication of the said notice, state his, her or their objections to the same, in writing, to the said commissioners; and the said commissioners, or such of them as shall make such estimate and assessment, in case any objections shall be made to the same, and stated in writing as aforesaid, shall reconsider their said estimate and as-

Commissioners to deposit copy of assessment in clerk's office 14 days before making report, and give notice thereof in two newspapers.

Any person affected by assessment may object thereto

Commissioners may correct assessment.

Damages awarded, when to be paid by corporation.

In case of neglect of payment, parties entitled may sue for same.

If parties entitled are infants, *non compos mentis*, *femes covert*, absent or unknown, money may be paid into court.

assessment, or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

CLXXXIII. *And be it further enacted*, That the said mayor, aldermen and commonalty, shall, within four calendar months after the confirmation of the report of the commissioners in the premises by the court, pay to the respective persons and bodies politic or corporate, mentioned or referred to in the said report, in whose favor any sum or sums of money shall be estimated and reported by the said commissioners, the respective sum or sums so estimated and reported in their favor respectively : and in case of neglect or default in the payment of the same within the time aforesaid, the respective person or persons, or party or parties, in whose favor the same shall be so reported, his, her or their executors, administrators or successors, at any time or times, after application first made by him, her or them, to the said mayor, aldermen and commonalty, in common council convened, for payment thereof, may sue for and recover the same, with lawful interest, from and after the said application therefor, and the costs of suit, in any proper form of action against the said mayor, aldermen and commonalty, in any court having cognizance thereof, and in which it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein by virtue of this act, for premises taken for the purposes herein mentioned, and it shall be lawful for the plaintiff or plaintiffs to give any special matter in evidence under such general declaration, and this act, and the report of the said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded, shall be conclusive evidence in such suit or action : *Provided*,

CLXXXIV. *And be it further enacted*, That whenever the owners and proprietors of any such lands, tenements, hereditaments and premises, so to be taken for any of the purposes aforesaid, or the party or parties, person or persons, interested therein, or any or either of them, the said owners, proprietors, parties or persons, in whose favor any such sum or sums or compensation shall be so reported, shall be under the age of twenty-one years, *non compos mentis*, *femes covert*, or absent from the city of New-York : and also in all cases where the name or names of the owner or owners, parties or persons, entitled unto or interested in any lands, tenements, hereditaments or premises, that may be so taken for any of the purposes aforesaid, shall not be set forth or mentioned in the said report, or where the said owners, parties or persons, respectively being named therein, cannot upon diligent enquiry be found, it shall be lawful for the said mayor, aldermen and commonalty, to pay the sum or sums mentioned in the said report, payable, or that would be coming to such owners, proprietors, parties and persons respectively, into the said supreme court of judicature, to be secured, disposed of and improved, as the said court shall direct : and such payment shall be as valid and effectual, in all respects, as if made to the said owners, proprietors, parties and persons respectively themselves, according to their just rights, if they had been known, and had all been present, of full age, discover and *compos mentis* : *And provided*

also, That in all and each and every case and cases, where any such sum or sums, or compensation, so to be reported by the said commissioners in favor of any person or persons, or party or parties whatsoever, whether named or not named in the said report, shall be paid to any person or persons, or party or parties whomsoever, when the same shall of right belong, and ought to have been paid to some other person or persons, or party or parties, it shall be lawful for the person or persons, or party or parties, to whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, as so much money had and received to his, her or their use, by the person or persons, party or parties respectively, to whom the same shall have been so paid.

Compensation due to one person, but received by another, may be recovered by the former from the latter

CLXXXV. *And be it further enacted*, That all the monies which the said mayor, aldermen and commonalty, shall pay, disburse and expend, or become liable or bound to pay, disburse and expend, for cessions by agreement, and in discharge or on account of the sums or estimates of compensation and recompence that may be reported by the commissioners in favor of the respective persons and parties deemed to be entitled thereto, and the charges and expenses of the estimate and assessment and report that may be made in the premises, and all such other expenses, disbursements and charges also, as may arise or take place by and in consequence of the provisions of this act, for and about the opening of any such public square or place, street, avenue, or part or section of a street or avenue, so to be opened, or laying out and forming, or extending, enlarging or otherwise improving, any such street or public place so to be laid out and formed or extended, enlarged or otherwise improved, as the case may be, and the acquisition of the lands, tenements, hereditaments and premises required for that purpose, (except such sum or sums as may be assessed upon the said mayor, aldermen and commonalty, according to the provisions of this act in that behalf) shall be borne and reimbursed and paid to the said mayor, aldermen and commonalty, by the parties and persons interested and entitled as owners or otherwise, unto and in the lands, tenements, hereditaments and premises deemed to be benefited thereby, and the same or the excess and balance thereof, if any such excess and balance thereof there shall be, over and above the amount of the sums or assessments that may be assessed upon the parties and persons, lands and tenements, assessed by the commissioners in the premises for the benefit of such public square or place, street or avenue, or part or section of a street or streets so to be opened, or of such street or public place so to be laid out and formed, or of the extension, enlargement or other improvement of the street or public place so to be extended, enlarged or otherwise improved, as the case may be, together with the charges of the after-mentioned assessment and collection thereof, shall and may be estimated and assessed upon, and among all the owners, occupants and parties seised or possessed of, or interested in all the lands, tenements, hereditaments and premises not assessed by the said commissioners of estimate and assessment, nor included in their said report, that may be benefited by the said public square

All monies expended by corporation for said purposes, to be assessed upon persons benefited.

Three free-
holders to be
appointed as
assessors for
that purpose.
To be sworn.

Assessments
when ratified
by com. coun-
cil to be con-
clusive.

Premises in-
cluded in
commissioners
report not to
be assessed by
assessors.

Sums assessed
by commis-
sioners & as-
sessors to be a
lien on premi-
ses assessed.

or place, street or avenue, or part or section of a street or avenue, so to be opened, or the said public square or place so to be laid out and formed, or the extension, enlargement or other improvement of the public street or place so to be extended, enlarged or otherwise improved, as the case may be, in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire thereby; and the said mayor, aldermen and commonalty, shall appoint three disinterested freeholders to make such estimate and assessment, who, before they enter upon the duties of their appointment, shall severally take an oath before the mayor, recorder, or one of the aldermen of the said city, to make the said estimate and assessment fairly and impartially according to the best of their skill and judgment; and the said freeholders, or any two of them, after having made such estimate and assessment, shall certify the same and make a return thereof in writing to the said mayor, aldermen and commonalty, in common council convened, and the same when ratified and confirmed by the said common council, shall be binding and conclusive upon the parties and persons so to be assessed respectively, and upon all other persons whomsoever: *Provided however*, That no part of such said monies so to be estimated and assessed by the said assessors, shall be assessed upon any party or person whomsoever, for or on account of any lands, tenements, hereditaments or premises, included in the aforesaid report of the commissioners of estimate and assessment, and by them made the subject of their said estimate and assessment; but if any such party or person shall be entitled unto or interested in any other lands, tenements, hereditaments or premises, not included in the said report, that may be deemed to be benefited as aforesaid, such party or person shall be assessed therefor in proportion to the advantage deemed to be acquired in respect to the same.

CLXXXVI. *And be it further enacted*, That as well the respective sums so to be assessed by the said assessors upon the owners, occupants and parties seised or possessed of or interested in the lands, tenements, hereditaments and premises mentioned in the said certificate and return of them the said assessors, as also the respective sums or assessments so to be assessed and reported by the said commissioners of estimate and assessment as and for the allowance to be made by the parties and persons respectively in the said report mentioned or referred to and intended as owners and proprietors of, or parties interested in, lands and premises deemed to be benefited for the benefit and advantage of the public square or place, street, avenue or part or section of a street or avenue, or of the extension, enlargement or other improvement of the street or public place mentioned in the said report, shall be a lien or charge on the lands, tenements, hereditaments and premises in the said certificate and return of the said assessors, or in the said report of the said commissioners mentioned, or upon the estate and interest of the respective owners, lessees, and parties interested in such said lands, tenements, hereditaments and premises for or on account of which the said respective sums shall be so assessed by the said commissioners or assessors, as the case may be, upon the said respective owners and proprietors thereof,

or parties interested therein, and as well the said owners and proprietors thereof and parties interested therein, and also the occupants and each and every of them shall moreover be respectively liable to pay on demand the respective sum or sums or assessments mentioned in the said certificate, and return of the assessors, or in the said report of the commissioners, as the case may be, at which the respective lands, tenements, hereditaments and premises so owned or occupied by him, her or them, or wherein he, she or they are so interested, or at which the owners and proprietors thereof shall be so assessed, to such person or persons as the said mayor, aldermen and commonalty shall appoint to receive the same; and in default of payment of the same or of any part thereof, it shall be lawful for the said mayor, aldermen and commonalty, or any five of them, of whom the mayor or recorder shall be one, by warrant under their hands and seals, to levy the same with lawful interest thereon from and after the expiration of thirty days from the time of the confirmation of the said report of the commissioners by the court, or of the said return of the assessors by the common council, as the case may be, and together also with all the charges and expenses of the proceedings to be had for the collection thereof, by distress and sale of the goods and chattels of such owner or owners, occupant or occupants, or party or parties interested so refusing or neglecting to pay the same; rendering the overplus, (if any overplus there shall be) after deducting all just charges, to such owner or owners, occupant or occupants, or party or parties interested, or the said respective sums or assessments with such lawful interest as aforesaid, may be recovered with all costs and charges by the said mayor, aldermen and commonalty, from and against the parties assessed, or the owner or owners of the respective lands, tenements, hereditaments and premises whereon or in respect of which the same may be assessed, or set forth in the said report of the commissioners, or return of the assessment, as the case may be, or from or against any or either of the said parties or owners, without joining any other or others of them the said parties or owners therein, by action of debt or assumpsit, in which it shall be sufficient to declare generally, for so much money due by virtue of this act to the said mayor, aldermen and commonalty, and any matter may be given in evidence under such general declaration: *Provided*, That nothing herein contained shall affect any agreement between landlord and tenant, or any other contracting parties respecting the payment of any such assessment or charges, but they shall be answerable to each other in the same manner as if the provisions in this act contained concerning the same had never been made; and if any money so to be assessed, be paid by or collected or recovered from any person or persons, when by agreement or by law the same ought to have been borne and paid by some other person or persons, it shall be lawful for the person or persons paying the same, or from whom the same shall be recovered by distress, suit or otherwise, to sue for and recover the money so paid by or recovered from him or them, with interest and costs, as so much money paid for the use of the person or persons who ought to have paid the same, and the said

In default of payment may be levied by distress & sale

Or recovered by action of debt or assumpsit.

Agreement between landlord and tenant not affected

Persons paying assessment for others who ought to pay, may recover same back

report of the commissioners, with proof of payment, shall be conclusive evidence in such suit.

Vacancy in
office of com-
missioner how
to be filled

CLXXXVII. *And be it further enacted,* That in case of the death, resignation or refusal to act of any such commissioner of estimate and assessment, to be appointed under and by virtue of this act for any such aforesaid purpose, it shall and may be lawful for the court aforesaid, or any one of the justices thereof, on the application of the mayor, aldermen and commonalty of the city of New-York, as often as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the United States, in the place and stead of such commissioner so dying, resigning or refusing to act, and that the surviving or acting commissioners, as the case may be, shall have full power to proceed in the execution of the duties of their appointment, until a successor of the commissioner so dying, resigning or refusing to act, shall be appointed.

Any two com-
missioners
may act

CLXXXVIII. *And be it further enacted,* That in all and every case of the appointment of commissioners by the court aforesaid, for any of the purposes aforesaid, it shall be competent and lawful for any two of such said commissioners so to be appointed, to proceed to and execute and perform the trusts and duties of their said appointment, and their acts shall be as valid and effectual as the acts of all the commissioners so to be appointed for such said purpose if they had acted therein would have been: *And further,* That in all cases the acts, decisions and proceedings of the major part of such of the commissioners to be appointed for any of the purposes aforesaid as shall be acting in the premises, shall always be as binding, valid and effectual as if the said commissioners named and appointed for such purpose, had all concurred and joined therein.

Compensation
to be paid to
commissioners

CLXXXIX. *And be it further enacted,* That the commissioners to be appointed under and by virtue of this act, for any of the purposes aforesaid, who shall enter upon the duties of their appointment, shall each be entitled to receive the sum of not more than four dollars, besides all reasonable expenses for maps, surveys and plans, clerk hire and other necessary expenses and disbursements, for each day they shall respectively be actually employed in the duties of their appointment, the same to be paid by the mayor, aldermen and commonalty of the city of New-York, and included in the before mentioned assessment upon the persons and parties deemed to be benefited by the operation and improvement which shall have occasioned the appointment of the said commissioners.

Debts incur-
red by com-
mon council
for opening
streets may be
funded

CXC. *And be it further enacted,* That all debts and expenses incurred by the said mayor, aldermen and commonalty, for or on account of the opening of any street, avenue, square or public place, or any particular part or section of any street or avenue laid out by the said commissioners of streets and roads in the city of New-York, under and by virtue of the act, entitled "an act relative to improvements, touching the laying out of streets and roads in the city of New-York, and for other purposes," passed April 3d, 1807, may be funded at such interest, in like manner and under the same limitations and restrictions, as is authorised

by the act, entitled "an act to regulate the finances of the city of New-York," passed June 8th, 1812.

And whereas, the commissioners constituted by the act, entitled "an act relative to improvements, touching the laying out of streets and roads in the city of New-York, and for other purposes," have completed the business assigned to them by the said act:

CXCI. *Be it further enacted*, That it shall and may be lawful for such persons as shall be appointed for that purpose by the mayor, aldermen and commonalty of the city of New-York, in common council convened, to enter upon the lands of private persons, and to run out streets and to fix the boundaries thereof, and to erect monuments, designating such streets and boundaries according to the maps and plan of the said commissioners, and generally the said persons shall be invested with power to do all such matters as may be necessary to carry the said plan into execution: *Provided*, That the provisions contained in the 17th section of the act, entitled "an act respecting streets in the city of New-York," shall be and hereby are extended and applied to the proceedings authorised by this section.

Corporation authorised to run out streets over lands of private persons and fix monuments, &c.

CXCII. *And be it further enacted*, That all the estate, right, title, interest, claim and demand whatsoever of the people of this state of, in and to all lands at any time heretofore left for streets or highways in the city of New-York, by any person or persons whomsoever, shall be and hereby is vested in the mayor, aldermen and commonalty of the city of New-York, and their successors, for the use of streets and highways.

Right of the state to streets and highways in New-York granted to corporation

Regulation and repair of Public Roads.

CXCIII. *And be it further enacted*, That the mayor, aldermen and commonalty of the city of New-York, in common council convened, and their successors, shall continue to be commissioners to regulate and keep in repair the present roads or highways, and to regulate and keep in repair such other public roads or highways, as shall hereafter be laid out or opened in the said city and county.

Common council appointed commissioners of highways

CXCIV. *And be it further enacted*, That it shall and may be lawful to and for the said commissioners to cause to be made, built and erected such and so many causeways and bridges, and at such places as they shall think necessary, and to cause ditches from such public roads or highways to be made and cut through any person's land where they shall judge proper for conveying the water from and keeping the same roads or highways dry and in good order, and from time to time to appoint one or more surveyors or overseers of the said roads or highways, and to employ labourers and workmen to make and keep the same in repair.

Authorised to build bridges and causeways, and make ditches

CXCV. *And be it further enacted*, That if any person or persons shall wantonly spoil or damage any such roads, bridges or causeways, or fill up or destroy any of the ditches aforesaid, or fence across any of the said roads or highways, or erect or set up any gates thereon, or put or leave in any of them any unnecessary obstruction without leave of the said commissioners, or

Penalty for injuring or obstructing roads, &c.

if any person or persons shall leave a dead horse or the carcase of any other beast, or any broken carriage in any of the said roads or highways for any longer time than may be necessary to remove the same, or set up in or near the said roads or highways any thing by which horses are usually affrighted, or shall by any improper behaviour, affright any horse or traveller, on any of the same roads or highways, every such person shall, for every such offence, forfeit and pay to the treasurer or chamberlain of the said city for the time being, the sum of five dollars lawful money of this state, to be recovered by the same treasurer or chamberlain, with costs of suit, by action of debt, before any court having cognizance thereof, and when recovered, to be applied to the repairing and improving the said roads or highways as the said commissioners shall think fit: And to prevent as far as possible the evasion of the good purposes intended by this act, that the owners of every dead horse or other nuisance aforesaid, left in any of the said public roads or highways, shall be deemed to have put or left the same thereon, unless he or she prove the contrary.

How recovered
and applied

Overseers to
remove nuis-
ances and ob-
structions.

CXCVI. *And be it further enacted*, That on information being given by any person whomsoever, to the overseer or overseers of the said roads or highways of any of the said nuisances or obstructions, he shall immediately proceed to the removing thereof, and shall also use his best endeavors to discover the person or persons who committed the same, who upon discovery, shall not only be liable to the penalties herein before appointed, but also to the costs of removing them, and a reasonable compensation to such overseer or overseers, for his or their time or trouble therein, to be recovered by such overseer or overseers, with costs of suit, before any court having cognizance thereof as aforesaid: *And further*, That every overseer who shall neglect or refuse to do his duty according to the true intent and meaning of this act, shall, for every such neglect or refusal, forfeit and pay to the treasurer or chamberlain of the said city for the time being, the sum of twelve dollars and fifty cents lawful money, for every offence, to be recovered with costs of suit, and paid and applied as is directed in and by the last preceding section of this act.

Penalty for
destroying
trees in or
near roads.

CXCVII. *And be it further enacted*, That in case any person or persons shall fell or otherwise destroy any tree or trees, standing on any of the said roads, or within the distance of one rod thereof, without the leave of the mayor, aldermen and commonalty, or of the owner of such tree or trees, such person or persons shall, for every such offence, forfeit the sum of seven dollars and fifty cents, to be recovered, paid and applied as last aforesaid.

Passing of Carriages.

Carriages to
take right
side of road.

CXCVIII. *And be it further enacted*, That in all cases of persons meeting each other in any street or road in the city and county of New-York, in carriages, waggons, carts or sleighs, each person so meeting shall go to that side of the street or road on his right, so as to enable the carriages, waggons, carts or sleighs so meeting, to pass each other, under the penalty of five dollars for every offence, to be recovered by an action of debt,

Penalty.

with costs of suit, in any court having cognizance thereof, by any person suing for the same.

CXCIX. *And be it further enacted*, That the proprietor of the carriage, waggon or sleigh, neglecting or refusing to turn to the right as above directed, shall be considered, if present at the time of such meeting, as the person committing the said offence, and if absent, then the driver thereof shall be so considered.

Who liable for penalty.

Wells and Pumps.

CC. *And be it further enacted*, That whenever in the opinion of the mayor, aldermen and commonalty of the said city, in common council convened, it shall be expedient to make a public well and pump in any street or road of the said city, it shall be lawful for the said common council, to order the same to be done accordingly, in such manner and at such place as they shall think most advisable, and the expense thereof shall be estimated and assessed among all the owners or occupants of the houses and lots of ground intended to be benefited thereby, in the manner directed in and by the one hundred and seventy-fifth section of this act, and shall be binding and conclusive in the manner therein prescribed, and shall be collected in the manner therein directed, or in the manner directed in the two hundred and fifty-ninth section of this act.

Common council to cause wells & pumps to be made.

Expense, how estimated, assessed and collected.

CCI. *And be it further enacted*, That it shall and may be lawful to and for the mayor, recorder and aldermen, or any five of them, whereof the mayor or recorder to be one, and they are hereby directed and required on the first Tuesday in May next, and on the first Tuesday in May in every year thereafter, to nominate and appoint one or more fit person or persons for each and every of the wards of the said city, being inhabitants of the said city, and actually resident in such respective wards, to be overseers of the wells and pumps in such respective wards, for the year then next ensuing; all which persons so to be appointed as aforesaid, shall have the care and charge of all and every the public wells and pumps, which now are or hereafter shall be sunk or made in the ward for which he or they shall be so severally appointed overseers as aforesaid, of which appointment so to be made, the said mayor or recorder with three or more aldermen, shall, within three days thereafter, send notice in writing, to each and every of the said persons so by them to be appointed overseers as aforesaid, and if any public well or pump shall stand in a street where two wards do join, then the aldermen of the two wards so joining, or if they disagree, the mayor or recorder with them, shall direct and appoint which of the overseers shall take the care and charge of such well or pump; and if any public well or pump shall stand in a street where three wards do join, that then the aldermen of the said wards so joining, or the major part of them, shall direct and appoint which of the said overseers shall take the care and charge of such well or pump.

Overseers of wells and pumps to be appointed.

CCII. *And be it further enacted*, That each and every person so to be appointed overseer as aforesaid, shall within eight days

Duty of overseers.

next after his being so appointed, and notice thereof to him given as aforesaid, cause all and every the wells and pumps whereof he is or shall be appointed overseer as aforesaid, to be viewed, examined, cleansed, and put in good order and repair, and shall so keep and maintain them from time to time as long as he shall continue overseer thereof, and shall also from time to time cause new pumps to be put in such wells as the alderman and assistant of the ward shall judge necessary; and in case any one or more of the overseers, to be appointed by virtue of this act, shall remove out of the said city, or shall die before the expiration of one year next after his being appointed, or being appointed shall refuse to act, that then, and in either of the said cases, it shall and may be lawful to and for the said mayor, recorder and aldermen, of the said city, or any five of them, whereof the mayor or recorder to be one, by a majority of voices to appoint another or others in his or their room and stead, and so as often as such case shall happen: *And further*, That all and every the overseers to be appointed by the said mayor, recorder and aldermen, by virtue of this act, shall keep just, fair and exact accounts of all and every sum and sums of money which they or any of them shall pay and expend in, about and towards the cleansing, maintaining and keeping in good repair the wells and pumps in his or their charge.

Vacancies how filled.

Overseers to keep true accounts of expenditures.

Penalty for neglect of duty.

How recovered and appropriated.

CCIII. *And be it further enacted*, That in case any or either of the overseers, so to be appointed by virtue of this act, shall neglect or refuse to accept the office, or having accepted thereof, shall neglect or refuse to do his duty therein, as is required by this act, every such person shall, for every such refusal, neglect or delay, forfeit the sum of twelve dollars and fifty cents, lawful money of this state, to be recovered by action of debt, with costs of suit, in any court within this state having cognizance thereof, by any person or persons who shall sue and prosecute the same to effect; one half of which forfeiture, when recovered, shall be paid to the treasurer or chamberlain of the said city, for the time being, and applied towards repairing such public wells and pumps in the same manner as the other monies to be raised for that purpose are directed to be appropriated, and the other half to the person who shall sue and prosecute for the same to effect as aforesaid.

Overseers to account every three months.

CCIV. *And be it further enacted*, That the overseers of the public wells and pumps in each of the wards of the said city, shall once in every three months render to the mayor, aldermen and commonalty of the said city of New-York, in common council convened, a just and true account, upon oath, of all and every sum and sums of money by him or them respectively paid and expended in and about the cleansing, amending and repairing the wells and pumps aforesaid, together with the vouchers or receipts for the same, to be by them inspected, examined and filed, and the said common council of the city of New-York, shall thereupon forthwith issue their warrant, to be signed by the mayor or recorder presiding at such common council, directed to the treasurer or chamberlain of the said city, for the time being, and requiring him to pay to such overseer so producing vouchers and

making oath to his account, the full amount thereof, out of any monies remaining in his hands for such purpose.

And whereas, divers disorderly persons have frequently been guilty of cutting well-ropes and breaking the handles of pumps, and doing other mischief to both, for prevention whereof for the future,

CCV. *Be it further enacted*, That if any person or persons shall wilfully or maliciously cut any of the public well-ropes, or break or injure the handles thereof, or do any other hurt or damage to any of the said wells or pumps, and shall thereof be convicted before the mayor, recorder, or any one of the aldermen of the said city, either by the confession of the party or parties so offending, or by the oath of one or more credible witness or witnesses, he, she or they shall for every such offence forfeit the sum of five dollars, to be recovered with costs of suit, and levied by warrant under the hand and seal of such mayor, recorder or alderman, before whom such offender or offenders shall be convicted, one half of which forfeiture to be paid to the treasurer or chamberlain of the said city, for the time being, to be applied as aforesaid, and the other half to the person or persons who shall prosecute for the same to effect; and upon refusal of payment of such forfeiture or forfeitures, and want of sufficient distress whereon the same can be levied, then the mayor, recorder or alderman, before whom such conviction shall take place, is hereby empowered and required, by warrant under his hand and seal, to commit every such offender to the bridewell or house of employment of the said city, there to remain without bail or mainprise, for the space of one month, or until such forfeiture and costs shall be paid; and if such offence shall be committed by any apprentice, servant or slave, such forfeiture shall be paid by his or her master, mistress or owner, or in default thereof, such apprentice, servant or slave, shall be committed to the bridewell or house of employment of the said city, in manner aforesaid.

Penalty on persons damaging pumps, etc.

How recovered.

On refusal to pay, offender to be committed to bridewell.

Master liable for servant.

Preservation of Lamps, &c.

CCVI. *And be it further enacted*, That if any person shall wilfully break, take down or carry away, any glass-lamp, already hung or fixed, or hereafter to be hung or fixed, in any of the streets of the city of New-York, or extinguish the lights therein, or be aiding or abetting in the same, or shall wilfully break or deface any glass, window, porch, knocker, or other fixture in the said city, and shall be thereof convicted, before the mayor, recorder, or any one of the aldermen of the said city, or before either of the special justices of the said city, either by the confession of the party, or by the oath of one or more credible witness or witnesses, he or she shall, for every such offence, forfeit a sum not exceeding twenty-five dollars, lawful money of this state, to be recovered with costs, and levied by distress and sale of the goods and chattels of every such offender, by warrant under the hand and seal of such mayor, recorder, alderman or justice, before whom such offender shall be convicted: one moiety of which forfeiture, when recovered, to be paid to the treasurer or chamberlain of the said city, for the time being, to be applied for the purposes of providing

Penalty for injuring lamps, windows, knockers, etc.

How recovered.

How appropriated.

new lamps in the room of such as shall be so taken out or carried away, and for repairing such of them as shall be broken or injured as aforesaid, and for the support and maintenance of the poor of the said city; and the other moiety of such forfeiture to be paid to the person or persons who shall prosecute for the same to effect.

On refusal of payment, offender to be committed to bridewell.

CCVII. *And be it further enacted*, That upon refusal of payment of such respective forfeiture or forfeitures, and want of sufficient distress whereon the same can be levied, it shall and may be lawful for such mayor, recorder, alderman, or either of the special justices of the said city, before whom such conviction or convictions shall take place, by warrant under his hand and seal, to commit every such offender to the bridewell of the said city, there to remain without bail or mainprise for the space of two months, or until such forfeiture and costs are paid; and if any such offence shall be committed by any apprentice, servant or slave, such forfeiture shall be paid by his or her master, mistress or owner, or in default thereof, such apprentice, servant or slave, shall be committed to such bridewell in manner aforesaid.

Master liable for servant.

Offenders whose names are unknown, may be detained until discovery of name or morning after offence.

CCVIII. *And be it further enacted*, That it shall and may be lawful to and for any sheriff, deputy-sheriff, constable, marshal or watchman of the said city, who shall see any person commit any of the mischiefs or trespasses aforesaid in the said city, if such person or persons shall be unknown to such sheriff, deputy-sheriff, constable, marshal or watchman, to seize, secure and detain such offender so unknown to him as aforesaid, until he can discover the name of such offender, or until the next morning (if the offence shall be committed in the night time and the offender shall refuse to discover his or her name) when such offender shall be brought before the mayor, recorder or one of the aldermen of the said city, or either of the special justices of the said city, who on conviction of such offender shall proceed against him or her in the manner herein before directed: *And further*, In case any person shall commit any or either of the offences aforesaid in presence of such sheriff, deputy-sheriff, marshal or watchman, then every such sheriff, deputy-sheriff, constable, marshal or watchman, shall forthwith give information thereof to such mayor, recorder, alderman or either of the special justices of the said city, in order that such offender may be convicted thereof and punished in manner and form as by this act is directed.

Sheriff, etc. to give information of offences.

These provisions no bar to suit for damages.

CCIX. *And be it further enacted*, That this act or any thing herein contained shall not bar or preclude any person or persons from recovering his, her or their damages against any other person or persons who shall be guilty of any of the mischiefs or trespasses aforesaid, but that the same may be recovered in the same manner as if this act had never been passed.

Who to be deemed guilty

CCX. *And be it further enacted*, That every person who shall or may be present when any of the mischiefs or trespasses in this act mentioned shall be committed, shall be deemed to be guilty thereof, and be subject to the penalties inflicted by this act, although he or she shall not be aiding, abetting or assisting therein, unless such person shall give evidence whereby to convict the person or persons really guilty thereof, or unless he or she shall

declare upon oath that he or she came there accidentally, and that he or she doth not know who the offender or offenders is or are. And for the more easy discovery and detection of such offenders,

CCXI. *Be it further enacted*, That if two or more persons shall have been jointly concerned in committing any of the offences aforesaid, and one or more of them (not being before informed against) shall within the space of one month after the offence committed, inform against any or all the other or others concerned in the same offence so as to convict him, her or them, the person so informing shall not be liable to the payment of the forfeiture herein before mentioned, but shall notwithstanding his or her offence, be entitled to the reward herein before allowed to informers, any thing herein before contained to the contrary thereof in any wise notwithstanding.

Informers not
liable for pen-
alty.

Wharfage and Cranage.

CCXII. *And be it further enacted*, That it shall be lawful for the owners of wharves in the city of New-York, to ask and receive to their own use, the following rates of wharfage for all ships and vessels using their wharves respectively. that is to say, for every vessel under the burthen of fifty tons, at the rate of fifty cents per day ; for every ship or other vessel of the burthen of fifty tons and under the burthen of one hundred tons, at the rate of sixty-two and an half cents per day ; for every ship or other vessel of the burthen of one hundred tons and under the burthen of one hundred and fifty tons, at the rate of seventy-five cents per day ; for every ship or other vessel of the burthen of one hundred and fifty tons and under the burthen of two hundred tons, at the rate of eighty-seven and an half cents per day ; for every such ship or other vessel of the burthen of two hundred tons and under the burthen of two hundred and fifty tons, at the rate of one hundred cents per day ; for every ship or other vessel of the burthen of two hundred and fifty tons, and under the burthen of three hundred tons, at the rate of one hundred and twelve and an half cents per day ; for every ship or other vessel of the burthen of three hundred tons and under the burthen of three hundred and fifty tons, at the rate of one hundred and twenty-five cents per day ; for every ship or other vessel of the burthen of three hundred and fifty tons and under the burthen of four hundred tons, at the rate of one hundred and thirty-seven and an half cents per day ; for every ship or other vessel of the burthen of four hundred tons and under the burthen of four hundred and fifty tons, at the rate of one dollar and fifty cents per day ; for every ship or other vessel of the burthen of four hundred and fifty tons and under the burthen of five hundred tons, at the rate of one hundred and sixty-two and an half cents per day ; for every ship or other vessel of the burthen of five hundred tons and under the burthen of five hundred and fifty tons, at the rate of one hundred and seventy-five cents per day ; for every ship or other vessel of the burthen of five hundred and fifty tons and under the burthen of six hundred tons, at the rate of one hundred and eighty-seven and an half cents per day ; for every ship or other vessel of the burthen of six hundred tons and upwards, to pay twelve and an half cents

Rates of
wharfage.

in addition for every fifty tons in addition to the rate last mentioned, for every day such ship or vessel shall use or be made fast to any of the said wharves.

Wharfage of vessels while repairing or careening.

CXCIII. *And be it further enacted,* That whenever any ship or other vessel shall be brought to any dock or wharf to repair or careen, and it be found necessary to sling or erect any stage or stages on the sides of the said vessel for the more convenient caulking or repairing the same, or that any boats, scows or floating stages are brought along side said vessel for the purpose of caulking, repairing or careening as aforesaid, it shall and may be lawful for the owner or owners of said wharf, to ask, demand, take and receive thirty-three and one third per cent, in addition to the sum the said vessel is liable and compelled to pay for her wharfage as aforesaid.

Wharfage how collected.

CXCIV. *And be it further enacted,* That it shall be lawful for the owner of any wharf in the said city, to appoint a person to be wharfinger thereof, who shall continue at the pleasure of such owner, and who may in his own name, or in the name of such owner, ask and receive the wharfage as it shall become due, and if any difference shall arise between such owner or wharfinger and the master, owner or agent of any ship or vessel concerning the burthen thereof, either party may apply to one of the wardens of the port of New-York, who shall decide such difference by measuring the ship or vessel, or in such other manner as he shall deem best, and shall if required by either party, certify under his hand the tonnage of such ship or vessel, and the same shall be final in respect to the rate of wharfage thereof, and the expenses of such determination shall be paid by the party against whom it shall be given: *Provided however,* That the same shall not exceed one dollar and twenty-five cents.

Disputes to be decided by one of wardens of the port

Vessel fastened to another which is at a dock, to pay half wharfage.

CXCV. *And be it further enacted,* That every ship or other vessel which shall make fast to any other ship or vessel that shall be fastened to any wharf, and being so fastened shall load, unload or careen, shall pay the one half of the rate of wharfage such ship or vessel would have been liable to pay if fastened to such wharf, and there loaded, unloaded or careened.

Persons liable to pay wharfage.

Proviso:

CXCVI. *And be it further enacted,* That the master or owner of any ship or other vessel, or in their absence, the factor or agent to whom such ship or vessel shall be consigned, shall be liable to pay the wharfage due for such ship or vessel: *Provided however,* That such factor or agent shall not be liable for the same, unless an account of the wharfage due, be delivered to such factor or agent, or if absent, left at his usual place of abode, and the money there demanded before the departure of such ship or vessel from the port.

Wharfage may be levied by distress.

CXCVII. *And be it further enacted,* That when any ship or other vessel has laid twenty-four hours at any wharf, and the master or owner refuses or neglects to pay the wharfage as aforesaid, or give satisfactory security for the payment of the same, being thereunto required by the owner or wharfinger, by notice in writing, being left on board with the mate or one of the hands belonging to said vessel, it shall and may be lawful for the owner or wharfinger to distrain for such wharfage on any goods or chattels

found on board such ship or vessel, and so from time to time as often as twenty-four hours wharfage shall become due, and the goods and chattels so distrained to sell and dispose of, in the same manner as is provided in the case of rent.

CCXVIII. *And be it further enacted*, That the owner of any crane upon any of the wharves aforesaid, may ask and receive to his use from the master or owner of any ship or other vessel that shall employ such crane, the following rates, to wit: For taking out and putting in the mast of every sloop of the burthen of eighty tons or upwards, the sum of ten dollars; and for taking out or putting in the mast of any sloop of eighty tons or upwards, six dollars and twenty-five cents; for taking out and putting in the mast of any square rigged vessel, of the burthen of two hundred tons and upwards, the sum of seven dollars and fifty cents; and for taking out and putting in the mast of any square rigged vessel or schooner, under the burthen of two hundred tons, six dollars and twenty-five cents; for taking out or putting in the mast of any square rigged vessel of the burthen of two hundred tons or upwards, the sum of six dollars and twenty-five cents, and for taking out or putting in the mast of any square rigged vessel or schooner, under the burthen of two hundred tons, five dollars.

Rates of crane-
age.

Wharves, Piers and Slips.

CCXIX. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the said city, in common council convened, to lay out wharves and slips in the said city, whenever and wherever they shall deem it expedient; and if in so doing, they shall require for such purposes, the ground of any person, notice thereof shall be given to the owner or parties interested therein, or to his or their agent or legal representative, and the said common council shall treat with such persons for the same, and if any such person shall refuse to treat for such ground, it shall be lawful for the mayor or recorder and any two or more aldermen, by precept under their hands and seals, to command the sheriff of the city and county of New-York, to empanel and return, and he is hereby required to empanel and return a jury to appear before the mayor's court of the said city, at any term thereof, not less than three weeks from the date of such precept, to inquire of and assess the damages and recompence due to the owner or owners of such ground, and at the same time to summon such owner or owners, or his or their agent or legal representative by notice to be left at his or their most usual place of abode, to appear before the said court at the time and place in such precept to be mentioned, which jury being first duly sworn faithfully and impartially to inquire into, and assess the damage in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompence as they shall, under all the circumstances judge fit to be awarded to the owner or owners of such ground, for their respective losses according to their several interests and estates therein, and the verdict of such jury and the judgment of the said mayor's court thereupon, and the payment of the sum or sums of money so awarded

Com. council
authorised to
lay out
wharves and
slips.

May take
ground be-
longing to in-
dividuals for
these purposes

Damages sus-
tained thereby;
how assessed.

and adjudged to the owner or owners thereof, or tender and refusal thereof, shall be conclusive and binding against the said owner and owners, his and their respective heirs, executors, administrators and assigns claiming any estate or interest of, in or to the same ground, and it shall thereupon be lawful for the said mayor, aldermen and commonalty, to cause the same ground to be converted to and used for the purposes aforesaid.

Com. council
to lay out
streets and
wharves along
the East and
Hudson rivers.

CCXX. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty, to lay out, as far as the same has not already been done, and according to the plan agreed upon for that purpose, regular streets or wharves of the width of seventy feet in front of those parts of the said city which adjoin to the East river or Sound and to the North or Hudson's river, and of such extent along those rivers respectively as they may think proper; and that as the buildings of the said city shall be further extended along the said rivers, it shall be lawful for the said mayor, aldermen and commonalty from time to time to lengthen and extend the said streets or wharves.

How and by
whom said
streets and
wharves to be
made and ad-
joining lots
filled up.

CCXXI. *And be it further enacted*, That the said streets or wharves shall be made and completed according to the said plan by and at the expense of the proprietors of land adjoining or nearest and opposite to the said streets or wharves, in proportion to the breadth of their several lots, by certain days to be for that purpose appointed by the said mayor, aldermen and commonalty; and that the respective proprietors of such of the said lots as may not be adjoining to the said streets or wharves, shall also fill up and level at their own expense according to such plan and by the said days respectively, the spaces lying and being between their said several lots and the said streets and wharves; and shall upon so filling up and levelling the same be respectively entitled to and become the owners of the said intermediate spaces of ground in fee simple.

Corporation
may cause
such lots to be
filled on de-
fault of pro-
prietors, and
recover ex-
penses from
them.

CCXXII. *And be it further enacted*, That if any of the said proprietors shall neglect or refuse to fill up and level such intermediate spaces of ground, by the said days to be so as aforesaid appointed, it shall be lawful for the said mayor, aldermen and commonalty, to cause the same to be done for and on behalf of the said proprietors, and to charge them with the expense, and if the said proprietors respectively shall not repay the said expense, with lawful interest, from the times of the expenditure within one year and six months after the demand for that purpose made by the said mayor, aldermen and commonalty, or any person on their behalf, it shall be lawful for the said mayor, aldermen and commonalty, to levy the same, together with the interest thereof, and all reasonable costs and expenses attending such proceedings, by distress and sale of the goods and chattels of such proprietors or the occupants of the said lots respectively, or to recover the same from the said proprietors respectively, by action of debt in the supreme court of this state, wherein it shall be sufficient to allege generally that the defendants respectively are indebted to the said mayor, aldermen and commonalty, in a certain sum, for money expended on their account by virtue of

this act, and in such action any less sum than the one declared for may be recovered, and full costs shall be taxed for the plaintiffs if judgment shall be given in their favor.

CCXXIII. *And be it further enacted*, That the said sums so to be expended on behalf of the said proprietors, and every sum which hath heretofore been assessed among the owners or occupants of any houses and lots in the said city, by virtue of the act, entitled "an act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the sixteenth of April, one thousand seven hundred and eighty-seven, or by virtue of an act, with the same title, passed the third day of April, one thousand eight hundred and one, and not refunded, or shall hereafter be assessed by virtue of this act, shall be a lien or charge upon the houses and lots in respect to which such assessments shall have been made, and shall bear lawful interest until paid, and shall be entitled to a preference before all other incumbrances upon the same, and may be sued for and recovered with costs, in like manner as if the said houses and lots were mortgaged to the mayor, aldermen and commonalty, for the payment thereof: *Provided always*, That nothing herein contained shall extend to charge any such houses or lots which may have been *bona fide* sold and disposed of after the making of such assessment thereon, and before the third day of April, one thousand seven hundred and ninety-eight.

Sums expended on behalf of proprietors to become a lien on lots.

How recovered.

Proviso.

CCXXIV. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty, to direct piers to be sunk and completed, at such distances and in such manner as they in their discretion shall think proper, in front of the said streets or wharves so adjoining and extending along the said rivers, and the said piers to be connected with the said streets or wharves by bridges, at the expense of the proprietors of the lots lying opposite to the places where such piers shall be directed to be sunk, and by such days and times as the said mayor, aldermen and commonalty, may for that purpose limit and appoint; and if the said proprietors shall neglect or refuse to sink or make the said piers and bridges according to the directions of the said mayor, aldermen and commonalty, it shall be lawful for the said mayor, aldermen and commonalty, to sink and make the same piers and bridges at their own expense, and to receive to their own use, wharfage for all vessels that may at any time or times lie or be fastened to the said piers or bridges which they shall so make as aforesaid; or it shall be lawful for the said mayor, aldermen and commonalty, to grant the right of making such piers and bridges, and the right of receiving the profits thereof, to any person or persons, in fee or otherwise, upon such terms as they shall think proper.

Corporation to direct piers to be made by owners of the adjoining lots
1 Caines' Rep 543.

On default of owners, corporation may make such piers and take the profit,

Or may grant the right to any other person.

CCXXV. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty, to grant to the owners of lots fronting on any of the said streets of seventy feet, their heirs and assigns, a common interest in the piers to be sunk in front of such streets, in proportion to the breadth of their respective lots, under such restrictions and regulations, and within

A common interest in piers may be granted to owners of adjoining lots.

such limits, as the said mayor, aldermen and commonalty, shall deem just and proper.

Covenants in grants to remain in force.

CCXXVI. *And be it further enacted*, That every clause, covenant and condition, in the several grants of the mayor, aldermen and commonalty of the said city, to the said proprietors respectively, or those under whom they claim, to be kept, observed or performed by the grantees respectively, and their respective heirs, executors, administrators and assigns, shall, notwithstanding this act, retain their full force and validity, and shall be in no manner affected by the same, or by any thing to be done or performed in consequence thereof, and the said mayor, aldermen and commonalty, shall have, possess and be entitled unto the like payments, rights and remedies, by virtue of the said grants, as they might or could have had, or would have been entitled to, if this act had never been passed, and shall not, by the performance of any thing herein contained, be deemed to have broken or infringed any of the covenants or conditions, on their part, contained in the said grants.

No buildings to be permitted on said streets and wharves.

CCXXVII. *And be it further enacted*, That no building of any kind or description whatsoever, other than the said piers and bridges, shall at any time hereafter be erected upon the said streets or wharves, or between them respectively and the river to which they respectively shall front and adjoin.

Corporation to sink piers and form basins at their discretion.

CCXXVIII. *And be it further enacted*, That it shall and may be lawful for the said mayor, aldermen and commonalty, at their own expense, to cause piers to be sunk and completed in such places and manner as they shall think eligible, between the White-Hall-slip and the east side of the Exchange-slip, in the said city, so as to form a basin for the safety and the accommodation of sloops and other vessels using the trade of the said city; and also, at their own expense, to cause such and so many other public basins, to be formed and completed in the said city as they may deem necessary for the trade thereof, and to take to their own use the slirage or wharfage arising from the same, any law, usage or custom, to the contrary notwithstanding: *Provided always*, That nothing herein contained shall be construed to deprive any persons who may have made piers by the directions of the said mayor, aldermen and commonalty, in pursuance of the act, entitled "an act for regulating the buildings, streets, wharves and slips, in the city of New-York," of any legal right which they may have thereby acquired, or to interfere with any private property or right or privilege held under grants of the said mayor, aldermen and commonalty, or otherwise.

And receive the wharfage.

Proviso.

Certain wharves and slips to be reserved for sloops and market boats.

CCXXIX. *And be it further enacted*, That it shall and may be lawful for the mayor, aldermen and commonalty, of the city of New-York, to reserve all that part of the water adjacent to the wharves of the said city, from the east side of Coenties-Slip, to the west side of White-Hall-Slip, for the sole accommodation of sloops and other market vessels using the trade of the said city, from the twentieth day of March to the twentieth day of December, in each and every year, and that during the time aforesaid, no registered or sea vessel shall be suffered to use the slips or wharves within the above described limits without special

permission, any law, usage or custom, to the contrary notwithstanding.

CCXXX. *And be it further enacted*, That in all cases where the said mayor, aldermen and commonalty, shall think it for the public good to enlarge any of the slips in the said city, they shall be at liberty and have full power so to do, and upon paying one third of the expense of building the necessary piers and bridges, shall be entitled not only to the slirage of that side of the said piers which shall be adjacent to such slips respectively, but also to one half of the wharfage to arise from the outermost end of the said piers.

Corporation may enlarge slips.

CCXXXI. *And be it further enacted*, That in all cases where any of the proprietors of lots lying opposite to the places or streets where piers shall have been or may be directed to be sunk, pursuant to the powers contained in the acts last aforesaid, or in this act, shall neglect or refuse to join with the other proprietors in sinking and making such piers and the bridges thereunto appertaining, or to pay his or their proportion of the expenses thereof, then, and in every such case, the said mayor, aldermen and commonalty, may, at their election, join with the other proprietors in making and finishing the said piers and bridges, and shall become entitled to the proportion of wharfage which the said proprietors so neglecting or refusing would have been entitled to if they had joined in making the said piers and bridges.

In certain cases corporation may join with individuals to make piers.

And receive proportion of wharfage.

CCXXXII. *And be it further enacted*, That in all cases a notice to the proprietors of lots inserted in two of the public newspapers printed in the said city for six weeks successively, shall be sufficient notice to all the said proprietors of the directions of the said mayor, aldermen and commonalty, for sinking and completing such piers and bridges, without specifying therein the names of the said proprietors, and an affidavit made before a judge of the supreme court, or master in chancery, of the due publication of such notice in manner aforesaid, shall at all times thereafter be deemed *prima facie* evidence thereof, and every such proprietor who shall not begin the making of the said piers or bridges by the period for that purpose appointed, or who shall not contribute his proportion towards the expenses thereof, as the same shall accrue, shall be deemed and taken to have neglected and refused to comply with the said directions according to the true intent and meaning of the said last mentioned acts, and of this act.

Notice to sink piers, how to be given.

What shall be deemed a refusal to comply therewith.

CCXXXIII. *And be it further enacted*, That if the master or owner of any ship or other vessel, shall cause to be discharged therefrom any ballast, consisting of earth, gravel or stones, into any dock or upon any wharf within the said city of New-York, without the consent of the owner or wharfinger thereof, the master or owner of such ship or other vessel, shall, for every such offence, forfeit and pay to the owner of such dock or wharf, two dollars and fifty cents, to be recovered with costs of suit, before any court having cognizance thereof, in the name of the said owner or wharfinger; and if the master or owner of such ship or other vessel, having discharged any such ballast upon any wharf, without consent as aforesaid, and after notice for that pur-

Penalty for discharging ballast upon wharf or into dock.

Proviso.

pose in writing, shall neglect or refuse to remove the same, he shall forfeit and pay for every day during such neglect or refusal, the same sum as by law shall be chargeable for the wharfage of such ship or vessel : *Provided however*, That no agent or factor transacting business for any person residing out of or absent from this state, shall be liable to any penalty imposed by this section, unless an account be delivered to, and the money demanded of, such factor or agent personally, or unless the said account be left on board of such ship or vessel with the master, mate, or one of the hands, belonging to such ship or vessel.

Penalty for throwing obstructions into dock.

CCXXXIV. *And be it further enacted*, That if any person employed in repairing, sheathing or graving, any ship or other vessel, being in any dock within the city aforesaid, shall cause any timber or other thing whatsoever, tending to fill up or obstruct such dock, to be thrown into such dock, he shall, for every such offence, forfeit and pay to the owner or wharfinger of such dock, the sum of five dollars, to be recovered in manner aforesaid.

Rémedy against incumbering the wharves.

CCXXXV. *And be it further enacted*, That if any wharf in the said city shall be incumbered with lumber or other articles, so as to incommode the loading and unloading of vessels, or the passing and re-passing of carts, the owner or wharfinger thereof shall give personal notice, or notice in writing, to be left at the place of abode of the owner of such lumber or other articles, or his factor or agent, to remove the same in a reasonable time, and on neglect thereof, or if the owner of such articles, or his factor or agent cannot be found in the said city, and have no place of residence therein, the owner or wharfinger of such wharf may remove the same and keep them in custody till the charges of removal and storage of the articles removed be paid.

Common council to regulate wharves, piers and slips

CCXXXVI. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty, in common council convened, to make such by-laws and ordinances as they shall from time to time think proper for regulating the wharves, piers and slips in the said city.

Surveyors and their Duty.

Common council to regulate buildings, streets, &c. as to uniformity

CCXXXVII. *And be it further enacted*, That it shall be lawful for the mayor, aldermen, and commonalty of the city of New-York, in common council convened, from time to time to make such by-laws and orders for the better regulating and arranging with uniformity such new buildings as shall be erected for habitations, or for the purposes of trade and commerce; and also for regulating and altering the streets, wharves and slips in such manner as shall be most commodious for shipping and transportation, and also from time to time to nominate and appoint two or more fit persons to be the surveyors of the buildings, streets, wharves and slips of the said city, whose duty it shall be to direct and see that all buildings, streets, wharves and slips to be laid out or altered in the said city, be regulated with uniformity for the accommodation of habitations, shipping, trade and commerce, according to such by-laws and orders as by the common council of the said city shall for that purpose be

And to appoint surveyors thereof Their duty

made: which said surveyors shall respectively, before they enter upon the duties of their office, take the following oath, or affirmation, before the mayor or recorder, viz.

"I, And oath
appointed a surveyor of the city of New-York,
do swear (or affirm, as the case may be,) in the presence of Almighty God, that I will faithfully, truly and impartially execute the office of one of the surveyors of the same city."

Weigh-Masters.

CCXXXVIII. *And be it further enacted,* That the said mayor, Corporation to appoint weigh-masters
aldermen and commonalty, may appoint as many weigh-masters for the said city as they shall from time to time think necessary, and the same displace and appoint others in their stead whenever they may think proper, and also fix and alter the compensation to such weigh-masters; and every weigh-master, so by them to be appointed, shall, before he enters upon the duties of his office, take and subscribe the following oath, or affirmation, before the mayor or recorder of the said city, viz.

"I, Their oath
do solemnly and sincerely swear (or affirm, as
the case may be,) that I will faithfully and honestly, to the best of my skill and understanding, perform the duties of a weigh-master in the city of New-York."

Report of Deaths.

CCXXXIX. *And be it further enacted,* That whenever any Physicians and surgeons required to perform certain duty
person shall die in the city of New-York, the physician or surgeon who shall have attended such person as a physician or surgeon during his or her last sickness, shall leave a note in writing, signed with his name, with some one of the family in the house where such person shall have died, specifying the name and apparent age of the deceased, and the disease of which he or she shall have died; and every physician or surgeon refusing or neglecting to make and deliver such note, shall forfeit the sum of fifty dollars; and that no sexton of any church, or other person having charge of any cemetery, vault or burying ground in the said city, shall permit any dead body to be interred therein, until he has received such note in writing, so signed as aforesaid; or in case no physician or surgeon shall have attended such deceased person, or the physician or surgeon who did attend shall have neglected or refused to collect such note, then a like note, signed by some of the family in which such person shall have died, the contents of which note in writing shall be entered by such sexton on a blank schedule, to be furnished by the clerk of the city and county aforesaid, and delivered, together with the said schedule, on the Saturday in every week to the said clerk for publication, in such form as may be designated by any present or future ordinance of the mayor, aldermen and commonalty of the city of New-York; and that every sexton or other person having charge of any place of interment, neglecting or refusing to perform any of the duties required by this act, shall forfeit the Penalty for neglect of duty
sum of twenty-five dollars.

Commissioner of Excise.

Salary of com-
missioner of
excise

CCXL. *And be it further enacted,* That the commissioner of excise for the city and county of New-York for the time being, shall be entitled, for his services, to the sum of seven hundred and fifty dollars per annum, instead of the compensation formerly allowed by law, which it shall and may be lawful for him to retain out of the monies which shall or may come into his hands from the duty of excise aforesaid: *And further,* That the said commissioner shall keep an account of the persons to whom licences shall be granted in the said city and county, and of the sums by each of the said persons paid therefor, and file the same with the chamberlain of the said city, on or before the last day of April in every year.

Gaol Limits.

Judges of
mayor's court
to alter gaol
limits at dis-
cretion

CCXLI. *And be it further enacted,* That it shall and may be lawful for the judges of the court of common pleas, called the mayor's court, in the city of New-York, or a majority of them, to alter or change the limits or liberties of the gaol in the said city and county of New-York, as often as they may deem the same proper and necessary, any law to the contrary notwithstanding.

Convicts, &c. to be employed on Public Works.

Certain con-
victs to be em-
ployed at dis-
cretion of cor-
poration

CCXLII. *And be it further enacted,* That whenever any person shall be convicted and sentenced to be imprisoned in the city and county of New-York, before the general sessions of the peace, or any court of oyer and terminer there, of any offence under the degree of such as are or shall be punishable by imprisonment in the state-prison, it shall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, at their discretion, to employ, or cause to be employed, the persons who shall be so convicted and sentenced at labor in and about public work or otherwise, as the said mayor, aldermen and commonalty shall direct: *Provided,* That the term of such employment shall not extend beyond the period for which such convicts are sentenced to imprisonment as aforesaid.

Certain other
offenders how
punished

CCXLIII. *And be it further enacted,* That it shall and may be lawful for the mayor, recorder and aldermen of the city of New-York for the time being, or any two of them, in all cases where by law they or any of them are authorised to inflict corporal punishment for any crime or misdemeanor, except under the act, entitled "an act for apprehending and punishing disorderly persons," to substitute at their discretion, instead of such corporal punishment, a confinement of the offender in the house of employment or bridewell, belonging to the said city, to be kept at hard labor therein or at any work or employment at any other place within the said city, for any period not exceeding six months, according to the nature of the offence; and also to confine and set to hard labor in manner aforesaid, and for any time not exceeding six months as aforesaid, all disorderly persons who have been legally removed from the said city, and shall have unlawfully returned without bringing a certificate from the city or town where-

to they respectively belong, all common street beggars, and all idle persons, not having visible means of livelihood, and who cannot give a good account of themselves, or find sufficient sureties for their good behaviour, who now are or from time to time shall come into or sojourn within the said city.

Taverns and Tavern-Keepers.

CCXLIV. *And be it further enacted,* That the recognizances which shall hereafter be given and entered into by persons licensed to retail any spirituous liquors to be drank in his or her house, out-house, yard or garden, within the city and county of New-York, in pursuance of the sixth section of the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," passed 7th April, 1801, instead of being entered and acknowledged to or in the name of the people of the state of New-York, shall be given to and taken in the name of the said mayor, aldermen and commonalty; and the said mayor, aldermen and commonalty, in common council convened, shall take such order in relation to prosecutions for breaches of such recognizances, and shall also from time to time make such ordinances to regulate taverns in the said city, as they may deem suitable and necessary to preserve the good order and welfare of the same.

Recognizances from tavern-keepers how taken.

Com. council to prosecute for breaches thereof. And to make ordinances to regulate taverns.

CCXLV. *And be it further enacted,* That no tavern-keeper in the city of New-York shall permit any riotous or noisy persons to be assembled in his house on the Lord's day called Sunday, nor on any day, shall permit any manner of unlawful gaming, quarrelling or other disorderly practice or conduct, nor keep any billiard table, nor any other instrument or device used for gaming, and that it shall and may be lawful for the mayor of the said city, in conjunction with any two of the aldermen thereof, to hear and determine in a summary way, any complaint which shall or may be preferred against any tavern-keeper for any offence in the premises, and in case they shall judge it proper, to deprive such tavern-keeper of his license.

Tavern keepers not to keep riotous houses, etc. on pain of forfeiting license.

Commissioners of the Alms-House and Bridewell.

CCXLVI. *And be it further enacted,* That it shall be lawful for the mayor, aldermen and commonalty, of the city of New-York, in common council convened, to nominate and appoint under the common seal of the said city, not more than five of the freeholders and inhabitants of the said city, to be the overseers of the poor thereof, by the name and style of "the commissioners of the alms-house and bridewell of the city of New-York," which said persons being so appointed, or the major part of them, shall have the same power and authority of overseeing and providing for the poor of the said city, and they or any two of them shall have the same power and authority for putting or binding out apprentices and servants in the said city, and be subject to the same duties and penalties, which the overseers of the respective towns in this state have or are subject to.

Com. council to appoint commissioners of the alms-house.

Their duties.

CCXLVII. *And be it further enacted,* That it shall be lawful for the common council of the said city to remove from office any person so by them appointed, at their pleasure, and also in man-

Com. council may remove commissioners and appoint others.

And appoint
other officers.

And make or-
dinances for
the govern-
thereof.

Further pow-
ers of commis-
sioners.

ner aforesaid, from time to time, to fill all vacancies which shall be occasioned by such removal, or by death or resignation, and also from time to time to appoint such other officers as they may deem proper for the government of the said alms-house and bridewell, and to make and ordain such ordinances and regulations as they shall think necessary for the better government of the said alms-house and bridewell, and the keepers, officers and servants thereof: *Provided*, Such ordinances and regulations be not contrary to the laws and constitution of this state, or of the United States.

CCXLVIII. *And be it further enacted*, That the commissioners of the alms-house and bridewell of the city of New-York, or any one, two or more of them shall have, and exercise the same powers and authority, and do every act and thing in pursuance of the "act for the settlement and relief of the poor," and the "act concerning apprentices and servants," in the same manner as if they were justices of the peace for the city and county of New-York, or aldermen of the said city: *Provided always*, That nothing herein contained shall be construed to authorise them to sit as judges in the court of general sessions of the peace, in and for the said city.

And whereas the commissioners of the alms-house and bridewell of the city of New-York, or some of them, have heretofore bound out poor children as apprentices or servants to persons residing out of the said city, and doubts are entertained whether such binding be lawful: Therefore,

Commissioners
may bind out
poor children,
to persons re-
siding in any
part of the
state.

CCXLIX. *Be it further enacted*, That every such binding out heretofore made, shall be and the same is hereby confirmed, and that the said commissioners, or any two of them, shall and may, when they see fit, bind out such poor children as they shall be authorised to bind out, to any person or persons residing out of the city of New-York: *Provided*, The person or persons to whom such children may be bound, shall reside in this state.

Persons from
other states in
what cases not
to acquire a
settlement in
the city of N.
York.

CCL. *And be it further enacted*, That the person or persons who may have or hereafter shall come into the city of New-York, from any other state within the United States of America, shall not be deemed and adjudged legally settled in the said city, unless the party shall first prove to the satisfaction of the commissioners of the alms-house and bridewell of the said city, that after his or her arrival therein, he or she, as the case may be, shall have acquired such requisites to constitute a settlement, as are necessary in and by the laws of such state, from whence he or she may have come as aforesaid.

Importation of Passengers.

Masters of ves-
sels, when and
how to report
passengers.

CCLI. *And be it further enacted*, That every master or commander of any ship or other vessel arriving from a foreign country or from any other of the United States, who shall enter his vessel at the custom-house in the city of New-York, shall within twenty-four hours after such entry make a report in writing on oath to the mayor, or in case of his sickness or absence, to the recorder of the said city, of the name, age and occupation of every person who shall have been brought as passenger in such ship

Or vessel on her last voyage, upon pain of forfeiting for every neglect or omission to make such report, the sum of seventy-five dollars for every alien, and the sum of fifty dollars for every other person neglected to be so reported as aforesaid.

CCLII. *And be it further enacted*, That it shall be lawful for the said mayor, or in case of his sickness or absence, for the said recorder to require every such master of such ship or vessel, to be bound with two sufficient sureties to the mayor, aldermen and commonalty of the said city, in such sum as the mayor or recorder may think proper, not exceeding three hundred dollars for each passenger, to indemnify and save harmless the said mayor, aldermen and commonalty, and the overseers of the poor of the said city and their successors from all and every expense and charge which shall or may be incurred for the maintenance and support of any such person so imported, and for the maintenance and support of the child or children of any such person which may be born after such importation, in case such person so imported, or any such child or children shall at any time within two years after the said importation become chargeable to the said city, and if any such person so brought as aforesaid, and not being a citizen of the United States, shall be permitted or suffered to land within the said city, from any such ship or vessel before such bond shall have been given, and without a permission in writing from the said mayor or recorder, the master or commander of such ship or vessel shall be subject to the penalty of five hundred dollars for every person so suffered or permitted to land as aforesaid.

Mayor or recorder may require from masters of vessels a bond of indemnity.

Penalty for suffering alien passengers to land within the city before such bond is given.

CCLIII. *And be it further enacted*, That if any person who may have been a passenger in any such ship or vessel, and not being a citizen of the United States, shall be suffered to land from such ship or vessel at any place within the distance of fifty miles from the said city, with intent to proceed to the said city, otherwise than in the said ship or vessel, the master or commander thereof shall be liable to the like penalty of five hundred dollars for every such person so suffered or permitted to land.

Or within 50 miles of the city with intent to proceed to said city.

CCLIV. *And be it further enacted*, That if any householder in the said city shall knowingly entertain in his house or family any alien so landed as aforesaid, and shall not report such alien to the said mayor, or in case of his absence or sickness, to the said recorder, within twenty-four hours after such entertainment commenced, he shall forfeit and pay the sum of fifty dollars for every such alien so entertained.

Penalty on householders entertaining such aliens, &c not reporting them.

CCLV. *And be it further enacted*, That all and singular the said penalties and forfeitures arising in the said city, shall and may be sued for and recovered with full costs of suit by action of debt in the supreme court of this state, in the name of the said mayor, aldermen and commonalty, and when recovered by them shall be applied towards the support of the poor of the said city, and the defendant in every such suit shall be held to special bail, and the said supreme court shall direct the trial thereof by a jury of any county that may be judged proper: and upon every such trial for any penalty or forfeiture supposed to be incurred by the land-

Penalties how prosecuted, recovered and applied.

ing of any such person as aforesaid within the said city, the same landing shall be presumed, unless the defendant shall prove that the said person was taken or sent to some foreign country without having been suffered to land as aforesaid.

Com. council
may com-
pound for said
penalties.

CCLVI. *And be it further enacted,* That it shall be lawful for the said mayor, aldermen and commonalty, to compound for the said penalties and forfeitures, or any of them, either before or after suing for the same, upon such terms as the circumstances of the defendant or of the case, may in their judgment require.

Vessels from
which aliens
may be land-
ed, so be liable
for penalties
in certain ca-
ses.

CCLVII. *And be it further enacted,* That every ship or vessel from which such alien shall have been so landed, without permission from the said mayor or recorder in writing, shall be liable for the said penalties, and may be proceeded against by information in the said supreme court, and by attachment and seizure grounded thereon, unless the owners thereof shall give bond with sufficient sureties to the sheriff serving such attachment for the payment of the said penalties, and every of them, which may have been incurred during or since the last voyage of the said ship or vessel, or for paying the value of such ship or vessel towards the satisfaction of such penalties as may have been so incurred by suffering any alien to land as aforesaid, and such value shall be ascertained by the wardens of the port of New-York, or any two of them, and such bonds shall be assignable as bail bonds are by law, and be subject to such orders respecting the same, as the said supreme court may judge it proper to make.

Masters when
& how liable
for citizens of
U. States im-
ported in their
vessels.

CCLVIII. *And be it further enacted,* That whenever any person so brought in any such ship or vessel, and being a citizen of the United States, shall by the said mayor or recorder be deemed likely to become chargeable to the said city, the master of such ship or vessel, shall upon an order for that purpose remove the said person without delay to the place of his last settlement, and in default thereof, shall be bound to pay all such charges and expenses as the said city shall or may sustain, or be put unto in and about the maintenance and removal of such person, to be sued for and recovered in like manner as the several penalties herein before mentioned are directed to be sued for and recovered.

Collection of Assessments.

Lots upon
which assess-
ments are im-
posed may in
certain cases
be advertised
for sale.
70 John-Rep.
96

CCLIX. *And be it further enacted,* That wherever and whenever any assessment upon any lot or lots in the city of New-York, hath heretofore been, or hereafter shall be made and confirmed according to law, and the money hath not been or shall not be collected upon any lot or lots, which was, or were or may be charged in the said assessment, and the collector shall make affidavit of his demanding the money several times of such owner or owners, as may reside in the said city, and that they have neglected or refused to pay the same, or shall make affidavit that the owner or owners of any such lot or lots is or are unknown, or cannot upon diligent enquiry be found in the said city, it shall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, to take order for advertising the same in two or more of the public newspapers printed in the said city for six months, once in each week, thereby requiring the owner or

owners of such lots respectively, to pay the sum at which each of the said lots hath been or shall be so assessed, together with interest thereon at the rate of seven per cent per annum, from the time of the confirmation of the said assessment, to the time of payment, with the charges of such notice and advertisement, to the treasurer or chamberlain of the said city, and that if default shall be made in such payment, such lot or lots will be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person or persons shall offer to take the same in consideration of advancing the sum assessed on the same, together with interest thereon, at seven per cent per annum from the time of confirming the said assessment to the time of sale, and together with all costs and charges accrued thereon; and if, notwithstanding such notice, the owner or owners shall refuse or neglect to pay such assessment with interest as aforesaid, and the charges attending such notice and advertisement, then it shall and may be lawful to and for the said mayor, aldermen and commonalty, to cause each of the said lots to be sold at public auction for a term of years for the purpose and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser or purchasers thereof, under the common seal of the said city; and such purchaser or purchasers, his, her or their executors, administrators and assigns, shall by virtue thereof, and of this act, lawfully hold and enjoy the same for his, her and their own proper use, against the owner or owners thereof, and all claiming under him, her or them, until such purchaser's term therein shall be fully complete and ended; and the said purchaser or purchasers, his, her or their executors, administrators and assigns, shall be at liberty to remove all the buildings and materials which he, she or they shall erect or place thereon during the said term, within one month after the expiration of the said term; but leaving the lots, with the street or streets fronting the same, in the order required by the regulations of the common council: *Provided always*, That no such proceeding, by advertisement and sale as aforesaid, shall take place under any assessment heretofore made and confirmed, unless in cases where the said assessment now is a lien or charge on the lots assessed.

And sold for a term of years.

Purchaser may remove buildings at the end of the term.

CCLX. *And be it further enacted*, That the last preceding section of this act, shall not be construed to prevent the collection of any assessment or assessments, by distress and sale of the goods and chattels of the owner or owners, occupant or occupants, of any lot or lots therein or thereby assessed.

Assessments may be collected by distress

Putrid or unsound Provisions, &c. to be destroyed.

CCLXI. *And be it further enacted*, That whenever any putrid or unsound beef, pork, fish, hides or skins of any kind, shall be found within the said city, it shall be lawful for the said mayor, aldermen and commonalty, or any one of the inspectors of those articles, or any of them, or any person or persons acting under them or any of them, to cause the same to be destroyed, by starting it, or casting them into the streams of the East or Hudson's rivers, below low water mark, and at a suitable dis-

Unsound beef, etc. when and how destroyed

tance from the shore, or in such other manner as the said mayor, aldermen and commonalty, shall or may from time to time direct.

Bills of Health.

Mayor when
to give bills of
health to ves-
sels sailing
from N.York.

CCLXII. *And be it further enacted,* That every practitioner of physic in the said city shall, whenever called on for that purpose, by the mayor, or in his absence, by the recorder, give his opinion, in writing, as to the existence of any infectious or contagious disease in the said city; and that the said mayor may, when thereunto required, if such opinion will, in his judgment warrant it, deliver certificates under his seal of office, to masters of vessels sailing from the said city, stating the general health of the said city.

Pawnbrokers and Dealers in second hand Furniture, &c.

Com. council
to regulate
pawnbrokers
and dealers in
second hand
furniture, etc.

CCLXIII. *And be it further enacted,* That the said mayor, aldermen and commonalty of the city of New-York, in common council convened, may, from time to time, make laws for the regulation of pawnbrokers and of dealers in the purchase or sale of second hand furniture, metals or cloths, in the said city, which said laws shall require that every person carrying on either of the said callings, trades or dealings, in the said city, shall have a license for the same from the mayor of the said city, under the directions of the common council of the said city, and every such pawnbroker or dealer shall pay for such license, a sum to be determined by the said common council, not exceeding fifty dollars, which sum shall be applied towards the support of the poor of the said city.

Com. council
to regulate
rates of inter-
est to be taken
by pawnbrok-
ers.

CCLXIV. *And be it further enacted,* That the said mayor, aldermen and commonalty, in common council convened, shall have power and authority, from time to time, to make laws and ordinances for the regulating of the rates of interest to be taken by any person carrying on the trade or calling of pawnbroker in the said city, for any loan not exceeding the sum of twenty-five dollars, notwithstanding such rate of interest may exceed the sum of seven per cent per annum: *Provided always nevertheless,* That the same do not exceed the rate of twenty-six per cent per annum.

Pawnbrokers,
etc. to enter
into recogni-
tances.

CCLXV. *And be it further enacted,* That every pawnbroker and dealer in the purchase or sale of second hand furniture, metals or cloths, in the said city, shall enter into a recognizance to the said mayor, aldermen and commonalty, with one or more sufficient surety or sureties, in such sum as shall be directed by the common council of the said city, not exceeding one thousand dollars, conditioned for the observance of such laws and ordinances as may be made by the common council of the said city, in the premises.

Additional powers granted to the Corporation.

Com. council
to regulate
fees on dis-
gress for rent.

CCLXVI. *And be it further enacted,* That it shall and may be lawful for the mayor, aldermen and commonalty of the city of New-York, in common council convened, to make such by-laws and ordinances as they shall, from time to time, see fit, es

establishing and regulating the fees to be demanded and received by constables, marshals or other persons whomsoever, for making distress for rent, and for all and every the necessary and proper services and proceedings in the premises, and to impose such fines and penalties for violations of such by-laws or ordinances, as they may, from time to time, see fit.

CCLXVII. *And be it further enacted,* That the mayor, aldermen and commonalty of the said city, in common council convened, shall have full power and authority, to make and pass such by-laws and ordinances as they shall, from time to time, deem necessary and proper for the filling up, draining and regulating of any grounds, yards or cellars, within the said city, that may be sunken, damp or unwholesome, or which they may deem proper to fill up, drain, raise, lower or regulate; and also, for causing all such lots of ground in the said city adjoining to Hudson's river, or to the East river or Sound, as they may from time to time think proper, to be filled up with wholesome earth or other solid materials, so far into the said rivers respectively, as they shall from time to time deem expedient for promoting the health of the said city; and for compelling the proprietors of such lots to make suitable bulk heads on, adjoining or opposite to such lots, and to raise and fill up the same with such materials, and in such manner, and within such times as the said mayor, aldermen and commonalty, shall from time to time direct; and also, for filling up, altering and amending, of all public slips in the said city, at such times and in such manner as they may deem proper; and for filling up, or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and for causing subterraneous drains to be made from the same, where they may think it necessary; and for regulating, or if they find it necessary, preventing the interment of the dead within the said city; and for the better regulating of boarding-houses and taverns in the said city, and the preventing the resort of crowds of disorderly persons to them; and for preventing the digging or turning up of made ground or grounds, formerly covered with water, during the summer months, without their permission.

CCLXVIII. *And be it further enacted,* That it shall and may be lawful for the said mayor, aldermen and commonalty, in common council convened, to appoint one or more persons as inspectors of lots in the said city, who shall have power at all times, between sun-rise and sun-set, to enter into any cellar, lot of ground, or building of any kind, and to examine the state thereof, and to report the same to the said common council, whenever he or they shall judge that the health of the city may require any alterations or regulations therein.

CCLXIX. *And be it further enacted,* That in all cases where the said by-laws or ordinances shall require any thing to be done by or with respect to the property of several persons, or in relation to the filling up, altering or amending, any of the public slips in the said city, the said mayor, aldermen and commonalty, in common council convened, shall cause the expense of such works to be estimated and assessed in the same manner as is directed in

To pass laws for filling up and regulating grounds, yards and cellars.

For filling up lots adjoining the rivers.

For compelling bulk heads to be made.

For filling up slips.

For cleansing privies and sinks.

For regulating interment of the dead.
For regulating boarding houses and taverns

For preventing the turning up of new made ground.

Com. council to appoint inspector of lots.

His power and duty.

Expense of certain works, how to be estimated and assessed.

and by this act, with respect to the paving or regulating the public streets in the said city ; and where the same shall relate to the filling up, altering or amending, the public slips as aforesaid, one third of the expense attending the same shall be borne by the said mayor, aldermen and commonalty, and the residue by the persons in the vicinity, who may be benefited thereby, and in other cases such expenses shall be borne by the persons respectively, upon whom the same may be assessed as aforesaid.

Com. council
to pay one
third part of
the expense of
filling up slips.

Com. council
may cause
work to be
done, and re-
cover expense
from parties
interested.

By distress
and sale.

Or by action
of debt.

Such expenses
a lien on pro-
perty assessed.

Com. council
authorised to
pass laws pro-
hibiting sale
of articles on
Sunday.

Suppressing
gaming houses

Regulating
butchers.

CCLXX. *And be it further enacted,* That it shall and may be lawful for the said mayor, aldermen and commonalty, in all cases where they may deem it necessary for the more speedy execution of the said by-laws and ordinances, or any of them, to cause all such works as may be necessary for any of the purposes aforesaid, or any part thereof, to be executed and done at their own expense, on account of the persons respectively, upon whom the same may be assessed, and shall have full power, and are hereby authorised to levy the same with lawful interest, and all reasonable costs and expenses attending such proceedings, by distress and sale of the goods and chattels of the proprietors or occupants of the property, upon, or by reason of which any such sum shall have been assessed, or to recover the amount of every such expense, by action of debt in any court of record, from the persons respectively on whose account the same shall have been incurred, their respective heirs, executors or administrators, in all which actions they shall also recover lawful interest upon the said amount, with full costs of suit.

CCLXXI. *And be it further enacted,* That the amount of every such expense, which the said mayor, aldermen and commonalty, shall pay as aforesaid, on account of others, shall be a real incumbrance upon the houses and lots in respect to which such assessments as aforesaid shall have been made, and shall bear lawful interest until paid, and that the same may be recovered, or the payment thereof, with costs, enforced in like manner as if the said houses and lots were mortgaged to the said mayor, aldermen and commonalty, for the payment thereof.

CCLXXII. *And be it further enacted,* That the mayor, aldermen and commonalty, of the city of New-York, in common council convened, shall have full power and authority to make and pass such by-laws and ordinances as they shall from time to time deem necessary and proper to regulate or to prohibit the purchase, sale, and exposure to sale of any goods, wares or merchandize, fruits, herbs, liquors, meats, fish, or any other article or thing within the said city, on the first day of the week, called Sunday, except fresh fish, which may be sold prior to nine o'clock in the forenoon; and also, to prohibit and suppress all gaming houses and places for gaming in the said city, and also to regulate the butchers in the said city, and to prohibit and restrain them from carrying on their business at any other times or places, than such as may be designated for that purpose by the said common council, and to prohibit and restrain all and every person or persons, other than licensed butchers, from carrying on the business or calling of a butcher, or any branch or part thereof, in the said city; and also to regulate hackney coaches or carriages, and

the owners and drivers thereof, and their rates of fare or carriage, requiring the owners of such hackney coaches or carriages, to have a license from the mayor of the said city, for the time being, under the directions of the common council of the said city; and every owner of a hackney-coach or carriage, or hackney-coaches or carriages, who shall obtain such license, shall pay therefor, a sum to be determined by the said common council, not exceeding five dollars for each hackney-coach or carriage, which sums shall be applied towards the support of the poor of the said city.

Regulating
hackney-
coaches.

CCLXXIII. *And be it further enacted*, That the said mayor, aldermen and commonalty, in common council convened, shall also have power and authority to make by-laws and ordinances, relative to the taxing and destroying of dogs within the said city; and also relative to the sweeping of chimneys, appointing and licensing a proper person or persons to superintend the same, and generally to do whatever may be deemed by them necessary and proper in the premises: *Provided* such ordinances be not repugnant to the constitution or laws of this state, or the United States.

Taxing & de-
stroying dogs.

Sweeping of
chimneys.

And for the more effectual and perfect execution of the laws and ordinances of the said mayor, aldermen and commonalty,

CCLXXIV. *Be it further enacted*, That in all cases, not otherwise provided for in this act, it shall and may be lawful for the said mayor, aldermen and commonalty, in common council convened, from time to time, to impose penalties for the non-observance of the same, not exceeding two hundred and fifty dollars, and in all cases to direct, that such part of any penalty as they shall think proper, shall be paid and applied to the use of the person or persons who shall afford such information as to enable them to prosecute the offender or offenders to conviction: *And further*,

Com. council
may impose
penalties for
breach of by-
laws.

And direct
part to be
paid to informa-
er.

That all laws and ordinances of the said mayor, aldermen and commonalty, in common council convened, may remain and continue in force for and during the period of three years from the passing thereof, unless the same shall be repealed by the said common council, or enacted for a shorter period, and shall always be renewable at the pleasure of the said mayor, aldermen and commonalty, in common council convened: *Provided*, That any ordinance or part of an ordinance, passed in pursuance of the powers hereby granted, may at any time be repealed by the legislature.

By-laws to re-
main in force
3 years.

Proviso.

Harbor-Masters.

CCLXXV. *And be it further enacted*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall from time to time appoint two proper persons to be harbor masters of the port of New-York; and that the said harbor-masters before they enter upon the duties of their said office, shall respectively execute bonds to the people of this state, with two sufficient sureties to be approved by the mayor or recorder of the city of New-York, each in the penal sum of two thousand five hundred dollars, conditioned for the faithful and impartial fulfilment of the

Two harbor-
masters to be
appointed for
the port of N.
York.

To give bonds

And take oath duties required of them by this act, and shall also take an oath truly and faithfully to execute the same, to be administered by the said mayor or recorder: *Provided however*, That the harbor masters already appointed shall continue in office during the pleasure of the said council.

Powers of the harbor-masters. CCLXXVI. *And be it further enacted*, That the said harbor-masters shall have authority to regulate and station all ships and vessels in the stream of the East and North rivers, within the limits of the city of New-York, and at the wharves thereof; and to remove from time to time such ships and vessels as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging theirs; and as to the fact of their being fairly and *bona fide* employed in receiving or discharging their cargoes, the said harbor-masters are hereby constituted the sole judges: *And further*, The said harbor-masters shall have authority to determine how far and in what instances it is the duty of the masters and others having charge of ships and vessels to accommodate each other in their respective situations; and if any master or other person having charge of any ship or vessel shall refuse or neglect to obey the directions of the said harbor-masters in matters within their authority to direct, or if any person shall resist or oppose the said harbor-masters in the execution of the duties of their office, such master or other person, having charge of any ship or vessel or other person whatsoever, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered with costs of suit in the name of the treasurer of the hospital of the said city, before any court having cognizance thereof; all which fines when collected, shall be paid to the said treasurer for the use of the said hospital.

Penalty for disobeying orders of harbor-masters.

How recovered.

And applied.

Further duties of harbor-masters. CCLXXVII. *And be it further enacted*, That it shall be the duty of the said harbor-masters to superintend and enforce the execution of all laws of this state, and all by-laws of the corporation of the city of New-York, for cleansing the docks and wharves, and for preventing and removing all nuisances whatsoever in or upon them or either of them.

Harbor-masters when to appoint deputies. CCLXXVIII. *And be it further enacted*, That the said harbor-masters shall have power or powers to appoint a deputy or deputies in the following cases only, that is to say: In case of the sickness of one or both of the said harbor-masters, either of them may appoint a deputy or deputies to act during such sickness; and in case of the death of one of them, the surviving harbor-master may appoint a deputy or deputies to act until the council of appointment shall supply such vacancy; and the said harbor-masters may from time to time remove or displace any such deputy or deputies and appoint another or others in his or their stead, in any of the cases above specified.

Harbor-master's fees. CCLXXIX. *And be it further enacted*, That the said harbor-masters shall have power to demand and receive from the commander, owners and consignees, or either of them, of every ship or vessel that may enter the port of New-York and load, unload or make fast to any wharf therein, at and after the rate of one

cent per ton, to be computed from the tonnage expressed in the registers of such ships and vessels respectively and no more : *Provided nevertheless*, That nothing whatsoever shall be demanded by the said harbor-master for the entrance into the port of New-York, of any vessel employed in the coasting trade within the United States, unless upon the application of the master or person having charge of any vessel employed in the coasting trade as aforesaid, the said harbor-masters, or either of them, shall interfere and adjust any difference which may happen respecting the situation or position of any such coasting vessel, which differences the said harbor-masters are hereby authorised to hear and determine, in which case the said harbor-masters may demand and recover in manner aforesaid from the party in default in the premises, the sum of one dollar for every difference so by them adjusted, and no more.

CCLXXX. *And be it further enacted*, That the said harbor-masters shall jointly and severally perform all the duties, exercise all the powers, and divide equally between them all the emoluments imposed and authorised by the three last preceding sections of this act. Harbor-masters jointly and severally to perform their duties.

Master and Wardens of the Port.

CCLXXXI. *And be it further enacted*, That there shall be and hereby is established a board of wardens for the port of New-York, to consist of the master and wardens of the said port for the time being, and that it shall and may be lawful to and for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, from time to time, and as often as shall be necessary, to appoint one fit and proper person to be master, and other fit and proper persons to be wardens of the said port of New-York, who shall respectively hold their offices during the pleasure of the said council, and that the said master and wardens and their successors in office shall compose the said board of wardens hereby established, and shall be called and known by the name of "the master and wardens of the port of New-York," and shall have full power and authority to have and use a common seal with such device as they may think proper, and the same to break, alter and renew at their pleasure, and further that all fines, penalties and forfeitures arising under such parts of this act as relate to the master and wardens aforesaid, or the rules and regulations to be made by the said board of wardens, in pursuance thereof shall and may be sued for and recovered in any court having cognizance thereof, by the said board of wardens or their successors by their said name of the master and wardens of the port of New-York : *Provided however*, That the several persons who now are master and wardens of the said port of New-York, shall and may respectively continue in office until they shall respectively be superceded or others shall be appointed in their stead. Board of wardens for port of New-York to be established.

CCLXXXII. *And be it further enacted*, That each and every person who hath been, or at any time hereafter shall be, appointed to be master or warden of the port of New-York, shall, before he Master and wardens to take an oath

enters upon the duties of his office, take and subscribe an oath, or affirmation, before the mayor or recorder, or one of the aldermen of the city of New-York, in the following words :

" I, _____ will well, truly and faithfully, according to the best of my skill and understanding, execute and perform the powers and duties vested in or enjoined upon me by law, as master (or as one of the wardens, as the case may be,) of the port of New-York," which oath or affirmation shall be filed in the office of the clerk of the city and county of New-York.

To appoint a clerk

CCLXXXIII. *And be it further enacted,* That the said board of wardens shall appoint a clerk, and shall keep an office in the city of New-York, at which office one or more of the said master and wardens, and their said clerk, shall give attendance daily, (Sundays and the fourth day of July excepted) and that said board of wardens shall cause to be made and kept by their clerk in a book or books by them to be provided for that purpose, regular and fair minutes and entries of all orders, regulations, transactions and proceedings of the said board, under and by virtue of this act, and which said book or books of entries shall and may be inspected by any person or persons desiring to inspect the same, such person or persons desiring to inspect the same paying to the said clerk twelve and an half cents each time the said books shall, at his or their request, be opened and examined: *And further,* That the said clerk shall give true copies of any such entries or minutes so to be made in the said book or books to such person or persons as may require the same, such person or persons paying therefor to the said clerk one cent for every twelve words or figures such copy shall contain.

Board of wardens when to meet

CCLXXXIV. *And be it further enacted,* That the said board of wardens shall meet at their office in the city of New-York, on Monday in every week, and at such other time or times as the master or any four of the wardens may direct and appoint, and that the said board of wardens, (any five of whom shall be a quorum) shall have full power and authority when so met, from time to time, to grant licenses under the limitations herein after in that behalf prescribed, to such and so many fit and proper persons, not exceeding thirty in the whole, as they shall deem necessary and sufficient to act as pilots for the safe pilotage of ships and vessels to and from the port of New-York, by the way of Sandy-Hook, and also to grant licenses to such and so many fit and proper persons as the said board of wardens may judge necessary and sufficient to act as pilots for the safe pilotage of vessels to and from the port of New-York, through the channel of the East river commonly called Hell-Gate, and also to grant licenses to such person or persons as the said board shall approve of to act as deputy pilots under such said licensed pilots, not exceeding the whole number of pilots thus to be appointed: *And further* That the said board of wardens shall have full power and authority at any time or times to revoke and annul any license that may be by them granted to any person to act as a pilot of any description, or as a deputy pilot, or to suspend any licensed pilot or deputy pilot from acting as a pilot or a deputy pilot, for any period of time they may think proper: *And further,* That the

Quorum of board
Board of wardens to grant licenses to pilots
1 John. Rep. 305

And to revoke same or to suspend pilot

said board of wardens shall have full power and authority from time to time to make and establish such rules, orders and regulations not inconsistent with the constitution or the laws of this state, or of the United States, for the better government of the said pilots and deputy pilots, and with such fines and penalties for the breach thereof as the said board of wardens shall deem proper, and the same from time to time to revoke or amend; and the said board of wardens may moreover, by their order, absolutely revoke the license of any pilot or deputy pilot, or suspend him from acting as a pilot or deputy pilot, for such time as they may think proper, for breaking any such rule, order or regulation, or omitting any thing required by the same, or for acting in any manner contrary thereto; and in all cases whatever, a majority of the said board of wardens shall be sufficient to decide upon any matter or question before the said board, and the decisions, acts, orders and proceedings of such majority shall in all cases be as valid, binding and effectual to all intents and purposes as if the said master and wardens had all of them been present and concurred therein: *Provided*, That before any pilot or deputy pilot shall be deprived of his license, or suspended from acting thereunder, such pilot or deputy pilot shall be summoned by a notice in writing, to be delivered to him personally, or to be left at his usual place of abode at least fifteen days before the time specified therein for his appearance, to appear before the said board of wardens at such time as shall be specified in the said notice, to shew cause, if any he may have, against his suspension, or the revocation of his license: And if such pilot or deputy pilot shall neglect or refuse to appear at the time specified in such notice, before the said board, or if the cause shewn by such pilot or deputy pilot against his suspension or the revocation of his license shall not appear sufficient and satisfactory to the said board, it shall and may be lawful for the said board either to revoke the license of such pilot or deputy pilot, or to suspend him from acting as a pilot or deputy pilot as they may judge proper, and an entry shall thereupon be made in the minutes of the said board of wardens of such revocation or suspension, with the causes or reasons thereof; and any such pilot or deputy pilot who may think himself aggrieved by the proceedings of the said board under this section, or under any other section of this act, in depriving him of his license, or suspending him from acting thereunder, may at any time within three days thereafter, appeal therefrom to the mayor or recorder of the city of New-York, or to the governor of this state, in case he shall then be in the city of New-York, and the said board shall, if notified of such appeal within the said three days hereby limited and allowed for the making thereof, forthwith certify and return their said act and decision in the premises, with the causes and reasons thereof, to the said mayor or recorder of the city, or governor of the state, as the case may be, who, after hearing the proofs and allegations of the appellant, and of the said board, shall decide thereon, and confirm or reverse such act and decision of the said board of wardens, as to him shall seem just and proper, and such decision shall be final and conclusive, and shall be reduced to writing, and transmitted

To make rules
for regulation
of pilots

And impose
fines

Proceedings
upon revoking
license or sus-
pending pilot

Pilot may ap-
peal

Proceedings
thereupon

by the said mayor, recorder or governor, to the said board of wardens, who shall conform themselves thereto: *Provided*, That the act of revocation or suspension appealed from shall continue in force, and the appellant be absolutely disqualified and disabled from acting thereunder until the same shall be reversed: *And further*, That it shall be the duty of the said mayor, recorder or governor to decide upon the said appeal, and to transmit his decision to the said board of wardens, within twenty days after the making of the said appeal by the appellant; and in default thereof, the act and decision appealed from shall stand confirmed of course: *And provided also*, That the several persons who now are licensed pilots and deputy pilots of the port of New-York, may respectively continue in such their respective employments, unless their licenses shall be suspended or revoked as aforesaid.

Pilots to be examined by wardens before their appointment.

CCLXXXV. *And be it further enacted*, That it shall be the duty of the said board of wardens, before they grant a license to any person applying therefor, to act as a pilot or as a deputy-pilot of the port of New-York, to call such applicant before them, and in the presence of one or more of the licensed pilots of the port of New-York, who shall be notified to attend for the purpose, and whose duty it shall be to attend accordingly, and to assist in such examination; or in case of the non-attendance of the pilot or pilots who shall be so notified to attend for that purpose, then without the assistance or presence of any licensed pilot, to examine such person so applying for a license to act as a pilot or deputy-pilot, or to cause him to be examined, touching his qualifications for such an employment, and in particular touching his knowledge of the tides, soundings, bearings and distances of the several shoals, rocks, bars and points of land in the navigation for which he applies for a license to act as a pilot or deputy-pilot, and touching any other matter the said board of wardens may think proper; and if upon such an examination the person so applying shall be found, and appear to the board to be of sufficient ability, skill and experience to act as a pilot, or as a deputy-pilot, as the case may be, and not otherwise, the said board of wardens may grant him a license for piloting vessels by the way of Sandy-Hook, or for piloting vessels through the channel of the East river, commonly called Hell-Gate, or for acting as a deputy-pilot under a licensed pilot, as such applicant shall desire and be found qualified for: *Provided*, That every person applying for a license to act as a deputy pilot, who shall have served five years as an apprentice to a licensed pilot, shall if found qualified on such examination as aforesaid to act as a deputy-pilot, and if in other respects he is a fit and proper person for such an employment, he shall be entitled to such license in preference to any applicant or person who shall not have served such apprenticeship; and it shall be the duty of the said board to grant such license to such apprentice accordingly: *And provided also*, That every person applying for a license to act as a pilot for the safe pilotage of ships and vessels to and from the port of New-York by the way of Sandy-Hook, who shall have served two years as a deputy to a licensed pilot in that navigation, shall, if found qualified on such examination as

Persons who have acted as apprentices, to have preference for deputy-pilot.

Deputy-pilots to have preference for appointment of pilots.

aforesaid, to act as a licensed pilot for that navigation, and if he is in other respects a fit and proper person for such an employment, he shall be entitled to such license in preference to any applicant or person who shall not have so served as such deputy-pilot; and it shall be the duty of the said board to grant such license to such applicant so having served as such deputy accordingly.

CCLXXXVI. *And be it further enacted*, That all such licenses so to be granted by the said board of wardens to persons to act as pilots or as deputy-pilots, shall be under the seal of the said board of wardens, and shall be signed by the master, or in case of his death, absence or inability to act, by one of the wardens, and shall be attested by the clerk of the said board, or the person acting as clerk for the time being, and which licenses shall be in force, unless revoked (and except during the suspension of the pilot or deputy-pilot acting under the same when suspended) from the time of the granting thereof, until the same shall be revoked by the wardens as aforesaid, and if any person whomsoever not being licensed as aforesaid, or who shall be suspended by the board of wardens, shall, under any pretence whatever at any time after the passing of this act, pilot or offer to pilot any ship or vessel to or from the port of New-York by the way of Sandy-Hook, for hire or any compensation for such pilotage, when a licensed pilot or deputy-pilot offers, he shall forfeit and pay to the said board of wardens, the sum of fifty dollars for each and every vessel he shall so pilot or offer to pilot; or if any such person shall pilot or offer to pilot any ship or vessel other than vessels employed in the coasting trade between the port of New-York and any other port of the United States, through the Sound or Hell-Gate, or shall pilot or offer to pilot in like manner any coasting vessel, exhibiting the usual signal for a pilot to come on board, when a licensed pilot or deputy-pilot offers, he shall forfeit and pay the sum of thirty dollars for each and every vessel he shall so pilot or offer to pilot.

CCLXXXVII. *And be it further enacted*, That each licensed pilot may have one deputy under him, to be appointed and licensed by the said board of wardens, to act as a deputy-pilot under such licensed pilot, and which said deputy-pilot shall be subject to the same regulations, and liable to the same fines, forfeitures and penalties as licensed pilots; and that every licensed pilot and deputy-pilot of the port of New-York, before he enters upon his employment as a pilot or as a deputy-pilot under such license, shall enter into a recognizance to the people of this state, before the mayor or recorder of the city of New-York, with two sufficient sureties to be approved of by the said board of wardens, each in the penalty of two hundred and fifty dollars, with condition that he will diligently and faithfully execute the trust reposed in him, and the duties required of him as such pilot or deputy-pilot, as the case may be, according to the directions of this act, and such rules, orders and regulations as may be given him in pursuance thereof; and every such recognizance, if forfeited, may at the instance of the said board of wardens, or on the request of any party aggrieved be prosecuted under the directions of

Licenses how signed, sealed and attested.

Penalty for acting as pilot without being licensed or after revocation or suspension of license.

Deputy-pilots, to be appointed by board of wardens.

Pilots and deputies to enter into recognizance.

Recognizance if forfeited, to be prosecuted

Proceedings
thereupon.

the said board of wardens, in any court having cognizance thereof, to judgment and execution as in other cases; and the amount of such recognizances when received, shall by order of the court in which the same shall be recovered be so paid to the said board of wardens, and the said board shall in such case, and also at any time after suit brought on such recognizance, if required by any party interested therein, examine into and ascertain the damages sustained by the party so agrieved, and shall apply the monies which may be so recovered by them, or as much thereof as shall be required for the purpose, in or towards the payment of the damages so ascertained, and shall make report in writing to the court in which such recovery shall be had, of the damages so ascertained, and of the payment so made for or on account thereof: *Provided always*, That if the licensed pilot or deputy-pilot, so offending, shall, before judgment obtained on his recognizance as aforesaid, pay to the party agrieved, the damages to be ascertained by the board of wardens in manner aforesaid, together with costs of suit, the suit on such recognizance shall be discontinued.

Pilot to own a
pilot-boat or a
share in one.

CCLXXXVIII. *And be it further enacted*, That each licensed pilot of the port of New-York, shall be and continue owner or part owner of a good and sufficient pilot-boat, to be approved of by the board of wardens, and shall keep her exclusively employed as a pilot-boat, and every licensed pilot not owning and employing a pilot-boat as aforesaid, shall forfeit his license.

Not more
than 20 pilots
and deputies
to have a joint
interest in
their business.

CCLXXXIX. *And be it further enacted*, That it shall not be lawful for more than two boat's crews, not exceeding twenty persons in all, pilots and deputy-pilots included, but exclusive of apprentices, to be in partnership or have a joint or common interest or concern in their business as pilots, or in the pilotage, profits or emoluments thereof, without a special permit in writing for that purpose from the said board of wardens; and each and every pilot or deputy-pilot, offending against the provisions of this section, shall forfeit and pay for each and every offence, the sum of fifty dollars; and every continuance of such partnership, or other joint or common interest or concern, after suit brought against any such offender, notwithstanding that the same may be varied or altered as to parties, or terms, or otherwise, and whether the same shall be so varied or altered or not, shall be deemed a new offence in each and every person so continuing the same, who shall forfeit and pay the like sum of fifty dollars for each and every such continuance thereof, and so from time to time on each and every subsequent suit brought; or it shall be lawful for the board of wardens, in their discretion, to revoke the license of any pilot or deputy-pilot, who shall offend against the provisions of this section, or to suspend him from acting as a pilot or deputy-pilot, for such time as the said board shall think proper.

Penalty.

Pilots and de-
puties to re-
port all vessels
piloted by
them.

CCXC. *And be it further enacted*, That every pilot or deputy-pilot, who shall pilot any ship or vessel to the port of New-York, shall within twenty-four hours next after the arrival of such ship or vessel, at her place of mooring or anchorage, or of such pilot at the city of New-York, make report thereof, or cause report thereof to be made at the wardens' office, specifying the

name of the vessel and her master, and to the best of his information the number of persons on board such vessel, and the port from whence she came, and to whom consigned, with such other and further particulars concerning such vessel and her voyage, as the said board of wardens may by their rules and orders from time to time require to be reported, and if any pilot or deputy-pilot shall neglect or refuse so to do, or shall knowingly make a false report, he shall forfeit and pay for every such offence, the sum of ten dollars.

CCXCI. *And be it further enacted*, That if any pilot or deputy-pilot, shall misbehave, when in the execution of his duty, it shall and may be lawful to and for the board of wardens, on complaint thereof made to them, to appoint a time and place of hearing, whereof fifteen days notice shall be given to such pilot or deputy-pilot, and on due proof being made to the said board of wardens, to their satisfaction, of misbehaviour of such pilot or deputy-pilot, to fine such pilot or deputy-pilot therefor, in any sum not exceeding twenty-five dollars, or to suspend him for any term which the said board may think proper: *Provided always*, That nothing herein contained shall be so construed as to prevent the owner or consignee of such vessel, or any other person or persons from recovering his or their damages, if any, by occasion of such misbehaviour of such pilot or deputy-pilot, in any court having cognizance of the same.

Pilots may be fined for misbehaviour.

CCXCII. *And be it further enacted*, That if any pilot or deputy-pilot shall negligently or carelessly lose any vessel under his care, and be thereof convicted by due course of law, he shall forever after such conviction, be incapable of acting as a pilot or deputy-pilot, in this state, and if any pilot or deputy-pilot, shall run any vessel on shore, he shall not be entitled to any pilotage, for such vessel.

Punishment of pilot for losing a vessel

Or running vessel on shore

CCXCIII. *And be it further enacted*, That in case of the suspension of any pilot or deputy-pilot, such pilot or deputy-pilot so suspended, shall forthwith deliver up his license to the said board of wardens, to be by them kept until the time for which he shall be so suspended shall be expired, under the penalty of one hundred dollars for each and every refusal so to do.

On suspension pilot or deputy to deliver up his license

CCXCIV. *And be it further enacted*, That the said master and wardens, or either of them, or any other person not being a licensed pilot or deputy-pilot, shall not be concerned directly or indirectly, in any pilot-boat, or with any pilot, in respect to the business of his trust.

None but pilots or dep. to be concerned with them

CCXCV. *And be it further enacted*, That the said board of wardens shall furnish every pilot and deputy-pilot aforesaid with printed instructions, to be shewn by such pilot or deputy-pilot to the master or commander of every vessel, as soon as he shall go on board to take charge of such vessel to pilot her into the said port.

Board of wardens to furnish pilots and dep. with printed instructions.

CCXCVI. *And be it further enacted*, That the master, or one of the owners or consignees, of every vessel, except vessels belonging to a citizen or citizens of the United States, employed in the coasting trade, and being of the burthen of fifty tons or upwards, which shall arrive at the port of New-York, by the way

Fees to be paid by master, owner or consignee of vessels arriving at the port of New-York. 9 Johns Rep. 76

of Sandy-Hook, and of every vessel, other than vessels employed in the coasting trade, and except vessels belonging to a citizen or citizens of the United States, which shall arrive at the said port of New-York, either by the way of Sandy-Hook or through the Sound, shall report such vessel at the said office of the said board of wardens, within forty-eight hours after the arrival of such vessel at the said port of New-York, under the penalty of fifty-dollars for each neglect or omission so to do, and shall pay to the said board of wardens for each respective vessel at the time of making such report, (one fourth part thereof for the use of the pilot who shall have so piloted and made report of such vessel as herein before directed, and the residue thereof for the use of the said master and wardens) the sums following, that is to say : For each and every vessel of the said burthen of fifty tons or upwards, employed in the coasting trade, so as aforesaid, required to be reported, arriving at the said port of New-York, by the way of Sandy-Hook, the sum of fifty cents; and for every vessel being a foreign bottom, and not owned by a citizen of the United States, arriving at the said port of New-York, either by the way of Sandy-Hook or through the Sound, the sum of four dollars, if of less than one hundred tons burthen; and the sum of six dollars if of the burthen of one hundred tons or more, but less than two hundred tons; and the sum of eight dollars if of the burthen of two hundred tons or more, but of less than three hundred tons burthen; and the sum of ten dollars if of the burthen of three hundred tons or upwards; which said respective sums so made payable for such vessel respectively, so arriving at the said port of New-York, shall and may be sued for and recovered with costs of suit, in an action of debt or upon the case, by the said board of wardens, by their said name of "the master and wardens of the port of New-York," of or from the master, or the owner or owners, or consignees of such vessel, or any or either of them, in any court having cognizance thereof.

How to be recovered.

Pilots to receive extra fees for relieving vessels in distress.
1 Caines' Rep 204.

CCXCVII. *And be it further enacted*, That the master or owner of any ship or vessel appearing in distress, and in want of a pilot on the coast, shall pay unto such licensed pilot or deputy pilot, who shall have exerted himself for the preservation of such ship or vessel, such sum for extra services as the said master or owner and pilot can agree upon, and in case no such agreement can be made, the board of wardens aforesaid shall determine what is a reasonable reward, and the sum so determined by them shall be paid in manner aforesaid.

Half pilotage to be paid in certain cases.

CCXCVIII. *And be it further enacted*, That if the master of any ship or vessel coming into the port of New-York, shall refuse to receive on board and employ a pilot, the master or owner of such vessel shall pay to such pilot, who shall have offered to go on board and take charge of the pilotage of such vessel, half pilotage from the place at which such pilot shall have offered himself to the said port of New-York.

Allowance to pilots carried to sea.

CCXCIX. *And be it further enacted*, That if any vessel going out of the port of New-York, shall carry off to sea, through the default of the master or owner of such vessel, any pilot or deputy pilot, when a boat is attending to receive such pilot of

deputy pilot from on board such vessel, the master, owner or consignee of such vessel, shall pay the board of wardens aforesaid, for the use of such pilot or deputy pilot, besides the pilotage of such vessel, at and after the rate of seventy-five dollars per month, until such pilot or deputy pilot shall return to the port of New-York aforesaid.

CCC. *And be it further enacted*, That it shall be lawful for every licensed pilot or deputy pilot aforesaid, to ask and receive pilotage from any person who shall employ him to pilot any ship from the eastward or southward of the outer middle ground to the port of New-York, and shall there safely moor such vessel, or take her to a proper wharf, as the master of such vessel may desire, and likewise from any person who shall employ him to pilot any ship or other vessel from the port of New-York to the southward or eastward of the said outer middle ground, so far that such vessel may safely proceed to sea, at and after the following rates, to wit: For every ship or vessel drawing less than fourteen feet water, one dollar and twenty-five cents for every foot such vessel shall draw; and for every ship or vessel drawing fourteen feet, and less than eighteen feet, one dollar and fifty cents for every foot; and for every ship or vessel drawing eighteen feet or upwards, two dollars for every foot such ship or vessel shall draw: *And further*, If the master or owner of any ship or vessel having a pilot on board, shall choose to have his vessel moored at any place within Sandy-Hook, and not destined to New-York as aforesaid, such pilot or deputy pilot shall be allowed the same rate of pilotage, as if the said ship or vessel was moored or conducted to a proper wharf as aforesaid, and shall be entitled to his discharge from such ship or vessel within twenty-four hours thereafter: *Provided*, That no more than half pilotage at the rate aforesaid, shall be demanded or received by any such pilot who shall, to the westward of the said outer middle ground, take charge of any ship or other vessel coming into the port of New-York: *And provided also*, That no pilotage whatever shall be demanded or received by any such pilot for any such ship or vessel coming into the said port of New-York, unless such pilot shall take charge of such ship or vessel to the southward of the upper middle ground, and such vessel be at least of the burthen of seventy tons, unless such vessel shall make the usual signal for a pilot, in which case it shall be the duty of such pilot to take charge of such vessel, and such pilot shall then be entitled to half pilotage therefor as aforesaid.

Fees to pilots and deputy pilots for pilotage of vessels by way of Sandy-Hook.
10 John. Rep 112.

CCCI. *And be it further enacted*, That between the first day of December and the first day of April inclusive, in every year, such pilot may ask and receive the additional sum of four dollars for every ship or other vessel drawing ten feet and upwards, and for every ship or other vessel drawing less than ten feet water, the additional sum of two dollars.

Additional fees to be paid during certain months.

CCCII. *And be it further enacted*, That it shall be lawful for every licensed pilot or deputy pilot to ask and receive, from any person who shall employ him to pilot any ship or other vessel, being a foreign bottom and not owned by a citizen of the

Foreign vessels to pay additional pilotage.

United States, for every such ship or vessel, the addition of one fourth to the rates of pilotage allowed as aforesaid.

Pilot to have additional fee if he takes charge of a vessel at a certain distance from land.

CCCCIII. *And be it further enacted,* That it shall be lawful for every licensed pilot or deputy pilot aforesaid, to ask and receive from any person who shall employ him to pilot any ship or other vessel, and which said ship or other vessel shall be taken in charge by such licensed pilot or deputy pilot at such distance from land as that Sandy-Hook could not be seen in the day time in fair weather, the addition of one fourth to the rates of pilotage he would otherwise be entitled to receive in such case, by virtue of the provisions of this act: *Provided nevertheless,* That the licensed pilots and deputy pilots belonging to any boat which shall have piloted any ship or vessel into the port of New-York by the way of Sandy-Hook, shall be entitled to a preference in piloting the said ship or vessel out of the said port, on the next outward voyage of the said ship or vessel, if the said voyage be by the way of Sandy-Hook: *Provided also,* In case of non-attendance of some one of the said pilots or deputies at the time and place required by the master, owner or consignee, of such ship or vessel, that then it shall be lawful for the said master, owner or consignee, to employ such other licensed pilot or deputy as they may think proper, and the said pilots or deputies shall, by such non-attendance, be deemed to have relinquished the preference provided for them as aforesaid; but in all other cases where there is no preference given as aforesaid, it shall be the duty of the board of wardens to apportion the vessels outward bound by the way of Sandy-Hook, as equally as may be amongst the pilots and deputy pilots licensed for that purpose, and it shall also be the duty of the said board of wardens to see that the pilots take the regular tour of duty at sea, (sickness or other unavoidable accidents excepted) under the penalty of the loss of their licenses.

Pilot piloting vessel in, to have preference on outward voyage.

Wardens to apportion vessels among pilots and deputies.

Fees to pilots for detention.

CCCCIV. *And be it further enacted,* That for every day which any pilot shall be requested to remain, or be detained on board any ship or vessel by the master thereof, waiting for a fair wind or otherwise, he may demand and receive the sum of three dollars.

Fees to pilots from vessels through the Sound.

CCCCV. *And be it further enacted,* That every pilot licensed to pilot vessels through the channel of the East river, commonly called Hell-Gate, may demand and receive from the master of any ship or vessel to whom he shall tender his services as a pilot, and by whom the same shall be refused, and for detention on board of any vessel waiting for a fair wind, or otherwise, three fourths of the rates of compensation herein before allowed to the other licensed pilots of the port of New-York in those cases; and in all other cases they may demand and receive such rates of pilotage as shall be established by the board of wardens aforesaid, for such pilots: *Provided,* That nothing shall be demanded or received from the master or owners of any vessel employed in the coasting trade, and sailing under a coasting license through the East river or Sound commonly called Hell-Gate, unless such vessel shall make the signal for a pilot.

CCCVI. *And be it further enacted,* That the master and owner of each pilot boat, for piloting by the way of Sandy-Hook, shall not have less than two apprentices attached to each boat, whose time of service shall be for not less than five years, and it shall be the duty of the said master or owner to attend to the instruction of said apprentices in the art and mystery of a pilot, and it shall be the duty of the said board of wardens, together with any two or more licensed pilots, whose attendance the said board of wardens shall require for that purpose, at least once during the last year such apprentices shall serve, to examine them touching their knowledge of the tides, bearings and distances of the several shoals, reefs, bars, points of land, and every other matter they or any three of them the said board of wardens may think proper, tending to promote the safe navigation of vessels between the city of New-York and Sandy-Hook.

Master of each pilot boat employed for piloting by way of Sandy-Hook, to have 2 apprentices.

Apprentices to be examined by wardens

CCCVII. *And be it further enacted,* That it shall be the duty of every licensed pilot or deputy pilot upon taking charge of any vessel either outward or inward bound, to cause the lead to be regularly hove.

Pilot to cause the lead to be regularly hove

CCCVIII. *And be it further enacted,* That the said master and wardens of the said port of New-York, or any two of them, shall be surveyors of all damaged goods brought into the said port of New-York in any ship or vessel, and with the assistance of one or more skilful carpenters, shall be surveyors of any vessel deemed unfit to proceed to sea; and the said master and wardens or any two of them, shall be judges of the repairs which may be necessary for the safety of such vessel on the intended voyage; and in all cases of vessels and goods arriving damaged, and by the owner and consignees required to be sold, such sales shall be made under the inspection of the master and wardens, or some one of them, which master and wardens shall, when required by the owner and consignee aforesaid, certify the cause of such damage, the amount of sales of such vessels and goods, and the charges attending such sale, and shall be allowed for their services at and after the rate of two per cent on the gross amount of sales thereof; and for each and every survey on board any ship or vessel, or at any store in the city of New-York, or along the docks or wharves thereof on damaged goods they shall severally be allowed the sum of one dollar and fifty cents; for each and every certificate given in consequence of damaged goods, one dollar and twenty-five cents; and for every survey on board any ship or vessel put into the said port in distress to ascertain the damages sustained, they shall severally be allowed the sum of two dollars and fifty cents; and for each and every certificate given of damages sustained by any ship or vessel put into the said port in distress and recording the same, two dollars and fifty cents.

Further duties of master and wardens.

Fees to be paid to them.

CCCIX. *And be it further enacted,* That all the emoluments granted to the master and wardens by this act, shall be equally divided amongst them.

Emoluments to be divided among master and wardens.

CCCX. *And be it further enacted,* That all forfeitures, fines and penalties which shall or may be recovered and received by the said board of wardens under and by virtue of this act, and

Fines & penalties recovered by B. of W. how to be appropriated.

not otherwise appropriated, shall be applied in the first instance for, in, or towards the payment of such costs of suit and disbursements of the said board of wardens in their prosecutions and proceedings under this act against offenders, as shall not be received by them from the party or parties so prosecuted or proceeded against, and the overplus and residue thereof, if any overplus thereof shall be, shall be accounted for and paid over on the first Monday of June, in each and every year, to the trustees of the "Sailor's Snug Harbor in the city of New-York," for the use and benefit of that corporation.

Suits, Pleadings, &c.

Suits for penalties how to be brought.

CCCXI. *And be it further enacted*, That all the penalties and forfeitures imposed by this act, except where the same are herein before otherwise appropriated, shall be sued for and recovered with costs of suit in the name of the mayor, aldermen and commonalty of the city of New-York, and the proceeds thereof shall be by them applied to the public use of the said city.

Inhabitants of N. York competent witnesses in cases where corporation are interested.

CCCXII. *And be it further enacted*, That upon the trial of any issue or upon the taking of any inquest or making any inquisition, or upon the judicial investigation of any facts whatever, in which issue, inquest, inquisition or fact, the mayor, aldermen and commonalty of the city of New-York, are a party or interested, no person shall be deemed an incompetent witness for the reason that such person is an inhabitant, freeholder or freeman of the city of New-York.

Persons sued for any thing done under this act, to plead general issue.

CCCXIII. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of this act, it shall be lawful for such person to plead the general issue and to give this act and the special matter in evidence.

Assessments on state property in city of N. York paid by persons having charge of same.

CCCIV. *And be it further enacted*, That it shall be lawful for the respective officers and persons having the charge or superintendence of public property in the city of New-York, belonging to this state, to pay the sums assessed or to be assessed thereon, or in respect thereto, by or under the authority of the mayor, aldermen and commonalty of the said city, according to law, and that the treasurer on the warrant of the comptroller pay to such officers and persons respectively, the sums which they shall respectively so pay on the account aforesaid, due proof being first made of such payment to the satisfaction of the comptroller.

How reimbursed.

This act declared a public act.

CCCXV. *And be it further enacted*, That this act shall be considered a public act, and be liberally expounded and construed to advance the ends thereof.

[*Note*—The following laws or parts thereof are incorporated in the foregoing, viz:—K & R. v. 2 89, 92, 95, 98, 100, 101, 110, 111, 114, 117, 118, 120, 123, 124, 126, 132, 133, 134, 135, 138, 140, 143, 144.—W. v. 3. 425, 457, 224, 228, 225.—W. v. 4. 329, 514, 419, 441, 329.—W. v. 5. 364, 265, 91, 501, 154, 281, 18, 275, 254, 249, 155, 474, 363, 297.—W. v. 6 57, 184, 36, 33, 518, 329, 289, 172, 408, 277, 289, 539, 438, 405, 436, 438, 363, 548, 470, &c.—The city of New-York was first settled 1608, from which time till August 27, 1664, it was called *New Amsterdam*. It then assumed its present name.—Smith's Hist. N. Y. 22.—The *Charter* of New-York was given by Gov. Dongan, April 22, 1686—a second, by J. Montgomery, January 15, 1700—The charter rights of New York, were confirmed by a law of the Colony, Oct. 14, 1732—It would seem that Gov. Nichols, on the 12th June, 1665, incorporated New-York, under a Mayor, 5 Aldermen and a Sheriff.—Smith's Hist. N. Y.]

CHAP. LXXXIII.

An ACT relative to the Pilots of the Port of New-York.

Passed April 10, 1813.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for every branch pilot or deputy-pilot of the port of New-York, to ask and receive from any person who shall employ him to pilot any ship or other vessel being a foreign bottom and not owned by a citizen of the United States, the sum of five dollars on every such ship or vessel, in addition to the rates of pilotage allowed by law, any thing in any former act to the contrary notwithstanding.

II. *And be it further enacted,* That the master and wardens of the said port of New-York, shall severally be allowed for their services in the following cases the fees or sums following, that is to say, for each and every survey on merchandize on board of or imported in any ship or vessel not owned in whole or in part by a citizen or citizens of the United States, the sum of three dollars; and for each and every certificate given in consequence of damaged goods on board of or imported in such ship or vessel, the sum of two dollars and fifty cents; and for each and every survey on the hull or materials of any ship or vessel, the sum of five dollars; and for each and every certificate given of such survey, and recording the same, the sum of two dollars and fifty cents, any thing in any former or other act to the contrary notwithstanding.

III. *And be it further enacted,* That this act shall continue in force for the term of one year, and no longer.

CHAP. LXXII.—(R.L.)

An ACT relative to the City of Albany.

Passed April 6, 1813.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the easterly bounds of the city of Albany, shall extend to the west bounds of the county of Rensselaer, opposite to the said city, and the said city shall be divided into four wards; the first ward to be comprehended within the following limits, viz: Beginning in the centre of Frelinghuysen-street, on the south line of the said city, thence running northerly through the centre of said street, to Lydius-street, thence easterly through the centre of Lydius-street, to its intersection with Green-street, then northerly through the centre of Green-street, by a straight line to the north side of State-street, thence westerly along the said north side (including the same,) to the east side of Eagle-street, thence westerly by a straight line to the centre of Deer-street, on a range with the west side of the public square, thence westerly through the centre of Deer-street, to the west bounds of the said city, thence southerly along the said west bounds to the south bounds of the said city, thence easterly along the said south bounds to the place of beginning, being the same territory now denominated the *first ward*: The second, within the following limits, viz: Beginning at a point in the cen-

Bounds of the city.

First ward.

Second ward.

the of Middle-alley, where it enters into State-street, thence northerly through the centre of Middle-alley, to the north side of Columbia-street, thence westerly along the said side (including the same,) to the east side of Pearl-street, thence northerly along the east side of Pearl-street, (including the same,) to the north bounds of the said city, thence westerly along such bounds to the westerly bounds of the said city; thence southerly along such westerly bounds to the middle of Deer-street, thence easterly through the middle of Deer-street, to a point on a range with the west side of the public square, thence easterly to the east side of Eagle-street on the north side of State-street, and thence along the north bounds of the first ward, to the place of beginning, being the same territory now denominated the *second ward*: The

Third ward.

third, within the following limits, to wit: beginning at a point in the centre of the Hudson river, opposite the centre of Mark-lane, thence westerly by a straight line to the centre of Mark-lane, thence westerly through the centre of Mark-lane, to the west side of Market-street, at its intersection with State-street, thence westerly along the north side of State-street to a point opposite the centre of Green-street, thence westerly along the north side of State-street to the centre of Middle-alley, thence northerly through the centre of Middle-alley to the north side of Columbia-street, thence westerly along the north bounds of the second ward, to the east bounds thereof, and thence northerly along the said east bounds to the north bounds of the said city, thence easterly along the said north bounds to the centre of the Hudson river, thence southerly along the said centre of Hudson river to the place of beginning, being the same territory now denominated the *third ward*: and the

Fourth ward

fourth, within the following limits, viz. beginning at the place of beginning of the first ward before mentioned in Frelinghuysen-street, thence northerly along the east bounds of the said first ward to Lydius-street, thence easterly along the centre of Lydius-street to its intersection with Green-street, thence northerly through the centre of Green-street to the north side of State-street, thence easterly including the said north side to the west side of Market-street, thence easterly through the centre of Mark-lane to the centre of Hudson river, thence southerly along the centre of said river to the south bounds of the said city, thence westerly along the south bounds of the said city to the place of beginning, being the same territory now denominated the *fourth ward*: each of which wards shall be entitled to elect in the manner hereinafter mentioned, two aldermen, two assistants, one supervisor, two assessors, one collector and four constables.

Each ward to elect two aldermen, two assistants, one supervisor, two assessors, one collector, and four constables

Elections to be by ballot

II. *And be it further enacted*, That all elections for aldermen, assistants, supervisors, assessors, collectors and constables held in any of the wards of the said city, shall be by ballot, and conducted as follows: Every person qualified to vote at any such election, and shall offer himself to vote, shall at such election openly deliver his ballot to one of the officers holding the said election, which ballot shall be a paper ticket, containing the name or names of persons for aldermen, or the name or names of such officer or officers as shall be to be chosen in the ward in

which the elector shall reside, or such of so many of them respectively as he shall think proper to vote for, designating who are voted for as aldermen, and the like for all the officers to be chosen at such election, and for whom the said elector shall think proper to vote, and the said paper ticket shall be so folded or closed as to conceal the writing thereon, and on the receipt of every such ballot, the officer holding such election shall, without suffering the same to be opened or inspected, cause the same to be put into a box to be provided by the common council for that purpose: *And further*, That the poll of such election shall be opened at ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day and no longer, and that the name of each elector voting at such election shall be written in poll lists to be kept at such election by the officers holding the same, and that after finally closing the poll of any such election, the officers holding the same in any of the said wards shall proceed without delay publicly to open the said ballots, and shall first count the said ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll lists, the officers holding the said election shall draw out and destroy unopened so many of the said ballots as shall amount to the excess, and if two or more ballots are found rolled or folded up together they shall not be estimated, and thereupon the officers holding such election shall immediately proceed openly and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, and shall thereupon certify and declare the number of votes given for each person for each respective office, and shall file such certificate in the office of the clerk of the said city on the same day.

Manner of
conducting
elections

III. *And be it further enacted*, That two aldermen, two assistants, and two constables shall be annually chosen in each of the wards on the last Tuesday of September, and one supervisor, two assessors, one collector, and two constables in each of the said wards annually on the first Tuesday of May, and that the officers holding such election shall, five days previous thereto, give public notice in writing, in at least three public places in such ward of the place where such election shall be held, and that every person offering to vote at any election for officers elected on the last Tuesday of September, or to fill any vacancies in such election, before he be permitted to vote, shall, if required by the presiding officer at such election, or by any person qualified to vote thereat, take one of the following oaths, viz.

What officers
to be chosen
in September
and in May
annually

"I, _____ do solemnly swear and declare (or affirm, as the case may be,) that I am a citizen of the United States, and of the age of twenty-one years, and have resided within this city for six months last past, and paid taxes within the same, and now actually reside within the _____ ward of this city, and have not been before polled at this election."

Notice of
election to be
given

Or, "I, _____ do solemnly swear and declare (or affirm, as the case may be,) that I am a citizen of the United States, and of the age of twenty one years, and have resided within this city for six months last past, and that I am possessed of a freehold within the said city, and now actually reside within the _____ ward of this city, and have not been before polled at this election."

Form of oaths
for voters

Or, "I, _____ do solemnly swear and declare (or affirm, as the case may be,) that I am a citizen of the United States, and of the age of twenty one years, and have resided within this city for six months last past, and that I am possessed of a freehold within the said city, and now actually reside within the _____ ward of this city, and have not been before polled at this election."

ward of this city, and have not been before polled at this election."

Or, "I, _____ do solemnly swear and declare (or affirm, as the case may be,) that I am a citizen of the United States, of the age of twenty-one years, and have resided within this city for six months last past, and have rented a tenement of the yearly value of five dollars, for the term of one year within the same, and now actually reside within the _____ ward of this city, and have not been before polled at this election."

Or, "I _____ do solemnly swear and declare (or affirm, as the case may be) that I am a citizen of the United States, and of the age of twenty-one years, and have resided within the said city for six months last past, and that I was born within the said city, and now actually reside within the _____ ward of this city, and have not been before polled at this election."

Qualifications
of electors for
officers cho-
sen in May,
and who to
hold the elec-
tions.

Vacancies
how filled.

And upon taking such oath he shall forthwith be permitted to vote; and if any person shall knowingly swear falsely in the premises, he shall be deemed guilty of wilful and corrupt perjury and punished accordingly, before any court having cognizance thereof; and every person offering to vote at any election on the first Tuesday of May, shall possess the same qualifications as persons entitled to vote at any elections for town officers in this state, and all elections in the said city shall be held in each ward before one or both of the aldermen thereof, and in case there be no alderman in such ward, then before one or more of the aldermen of the said city, and the aldermen holding such elections shall be the presiding officers thereof: *And further,* That if there shall happen any vacancies in the officers chosen on the last Tuesday of September, by death, resignation, removal out of the city or other disqualification before another annual election shall be held, it shall be lawful for the common council to direct an election to supply such vacancy in the ward or wards where the same shall happen, and shall duly appoint a time and place for holding such election in such ward or wards, giving previous notice of such time and place, in at least three public places in such ward or wards in manner herein before mentioned; and such election shall in other respects be held and conducted in like manner as the regular elections in the said city are held and conducted; and if there shall happen any vacancies in like manner in any of the officers chosen on the first Tuesday of May, such vacancies may be filled by an election to be held in the ward or wards where such vacancies shall happen, which election shall be held at such time and place as the common council shall direct, and shall be held and conducted in like manner as the regular elections are held and conducted, and the officers chosen shall hold their offices until the next annual election.

Mayor, etc.
how to be ap-
pointed and
sworn.

IV. *And be it further enacted,* That the mayor of the said city shall be annually appointed by the person administering the government of this state, by and with the advice of the council of appointment, and shall hold his office for one year or until another be appointed and sworn in his stead, and the aldermen, assistants and chamberlain of the said city shall be sworn into office on the second Tuesday of October in each year, or as soon

thereafter as they shall attend in common council: *And further*, The common council of the said city shall be held at the capitol therein, unless in case of pestilence, invasion, or if the same shall be destroyed by fire, or the common council cannot conveniently meet at the said capitol, in either of which cases the common council may be held (until the causes suspending their regular meetings be removed or shall cease) at such other place as they shall appoint; and the mayor, or in his absence the recorder shall preside at any of the meetings of the common council, and if both be absent, a chairman *pro hac vice* may be appointed by the members present, but such chairman shall be one of the aldermen.

V. *And be it further enacted*, That it shall and may be lawful for the common council annually or oftener in their discretion to appoint one or more overseers of the poor or poor masters, and one or more pound masters, and fence viewers, who shall severally possess the powers of overseers of the poor, pound master and fence viewer of any town in this state, subject to any regulations concerning them, to be made by the common council in their discretion: *And further*, It shall be lawful for the said common council to select from the aldermen and justices of the peace in the said city, such and so many as they think proper, to be called "the board of magistrates for the relief and support of the poor," who shall in such case exclusively possess the power and authority of applying and distributing the funds for the support of the poor in such manner as the common council may direct, and the said common council shall yearly determine the sum necessary to be raised by tax for the support and maintenance of the poor of the said city for the ensuing year, and the supervisors of the city and county of Albany, being served with a copy of the resolution of the said common council directing such sum, shall cause the same to be raised, assessed and collected according to law, and such monies when collected by tax shall be paid to the chamberlain of the said city, and shall be drawn for and applied under the direction of the common council: *And further*, It shall be lawful for the common council to pass ordinances for regulating the alms-house and the officers thereof, within the said city, and to appoint during pleasure all such officers as they may deem necessary for the good government of the said alms-house and the poor within the same, and that the monies directed by law to be applied to the support of the poor within the said city, or any part thereof, may be directed by the common council to be applied to the support of the said alms-house and the poor within the same, in such manner as the said common council shall deem proper, and also for establishing a house of correction for petty offenders within the said city; to appoint during pleasure, a keeper thereof, and so many assistants as may be necessary; to prescribe the duties of the said keeper and assistants, and the compensation which they shall respectively be entitled to receive for their services from the said mayor, aldermen and commonalty, and to pass ordinances for regulating the said house of correction, and all other ordinances relative thereto; and it shall be lawful for the court of oyer and terminer and general sessions of the

Common council where to be held.

Common council to appoint overseers of the poor, etc.

Board of magistrates for relief of the poor may be appointed, and its powers.

Monies for the poor how to be raised.

Alms-house and house of correction under the control of common council.

Offenders may be sentenced to

house of correction in certain cases.

peace in and for the city and county of Albany, and for any court of special sessions of the peace held in the said city or county, to sentence and adjudge any offender, convicted before either of said courts of any petit larceny, assault and battery, or misdemeanor committed within the said city to the said house of correction, instead of the gaol of the said city and county, there to be imprisoned and kept at hard labor during the term of his or her imprisonment.

Certain charter rights surrendered.

VI. *And be it further enacted*, That the right heretofore vested by the charter in the common council of regulating the Indian trade, and in the mayor of being coroner of the said city, and of licensing tavern keepers and others out of the said city, and the right under the said charter of holding a mayor's court once every fortnight, and of excluding all but freemen of the said city from trading therein, and of holding the election for charter officers on the feast of St. Michael the archangel, and of three aldermen and three assistants, with the mayor or recorder holding a common council, be and the same are hereby on the petition and surrender of the common council respectively abrogated and annulled: *Provided always*, That one of the coroners of the county of Albany shall always be a citizen of the said city: *And provided further*, That nothing herein contained shall affect or prejudice the rights of the mayor of the said city in granting licenses to tavern-keepers and others under the said charter within the said city.

Aldermen not to act as justices in civil cases.

VII. *And be it further enacted*, That no alderman shall by virtue of the said charter, try any civil cause to the amount of twenty-five dollars or under, excepting such as are brought for any penalty under any of the by-laws of the said city, in which case he may act as justice in his civil capacity.

Petty grocer-ies, etc. how regulated.

VIII. *And be it further enacted*, That it shall and may be lawful for the mayor, aldermen and commonalty, of the city of Albany, in common council convened, to pass ordinances for regulating petty grocers, keepers of ordinaries, or victualling houses, or where fruit, oysters, clams, liquor or meats, shall be sold in order to be eaten or drank at such houses, within the said city, and for exacting a recognizance of every such grocer, or other person as aforesaid, in such a penalty and with such sureties as the common council shall deem reasonable, conditioned, that he shall not permit any strong or spirituous liquors to be drank in his shop, out-house, yard or garden, nor suffer any kind of gaming within the same, nor sell any sort of strong or spirituous liquors, to any servant, apprentice or slave, without a permit from his or her master or mistress: and that no tavern-keeper, grocer or other person, as aforesaid, in the said city, shall permit any riotous or noisy persons to be assembled in his or her house on the Sabbath day, nor permit at any time, any manner of gaming, quarrelling or other disorderly practice or conduct; nor keep any billiard-table, or other instrument or device used for gaming: and that it shall and may be lawful for the mayor or recorder of the said city, in conjunction with any two of the aldermen thereof, to hear and determine in a summary way, any complaint which may be preferred against any tavern-keeper, grocer or

Their licenses may be suppressed for bad conduct.

other person, as aforesaid, for any offence in the premises, and in case they shall judge it necessary, to deprive any such tavern-keeper, grocer or other person, as aforesaid, who shall offend in the premises, of his licence : *And further*, 'That the recognizances which may be required of persons licensed to retail strong and spirituous liquors, to be drank in his or her house, out-house, yard or garden, within the said city, in pursuance of the sixth section of the act, entitled "an act to lay a duty on strong liquors, and for regulating inns and taverns," passed the seventh day of April, 1801 ; and the recognizances of grocers and other persons, as aforesaid, to be taken and entered into pursuant to the provisions of this act, instead of being entered into and acknowledged to and in the name of the people of the state of New-York, shall be taken in the name of the said mayor, aldermen and commonalty, and that the said mayor, aldermen and commonalty, in common council convened, shall and may make such orders in relation to prosecutions for breaches thereof, as they shall deem proper and necessary to preserve peace and good order, and to promote the welfare of the said city.

Recognizances of grocers how to be taken and enforced.

IX. *And be it further enacted*, That the said common council are hereby constituted and declared commissioners of highways in and for the said city, and shall and may from time to time pass ordinances for the more effectual suppression of vice and immorality ; for preserving peace and good order ; to prevent forestalling and regrating, and for detecting and restraining every kind of fraudulent device and practice within the said city ; to enforce the due observance of the Sabbath day ; to suppress and restrain disorderly and gaming-houses, billiard-tables and other instruments and devices, used for the purpose of gaming ; to direct the keeping and returning bills of mortality, and to impose penalties on physicians, sextons and other persons, for any default in the premises ; to regulate the keeping, carting, conveying and transporting of gun-powder, or other combustible or dangerous materials, and the use of lights and candles in live-ry or other stables ; to remove or prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle or apparatus, used in any house, building, manufactory or business, which may be dangerous, in causing or promoting fires ; to direct the construction of safe deposits for ashes, and to appoint one or more officers at reasonable times, to enter into and examine all dwelling-houses, lots, yards, enclosures and buildings, of every description, in order to discover, whether any of them are in a dangerous state, and to cause such as may be dangerous, to be put in a safe and secure condition ; to regulate the gauging of all casks of liquids and liquors ; and to appoint one or more suitable persons to superintend and conduct the same ; to regulate the place and manner of selling hay, pickled and other fish ; to restrain and punish the forestalling of poultry, butter and eggs ; to restrain and regulate the purchase of wheat, corn and every kind of grain, and other articles of country produce, by persons commonly known in the said city, by the name of runners ; to prevent and regulate the running at large of dogs, or to impose a reasonable tax upon the owners or possessors of such dogs ; to

The several police powers of the common council specified.
6 John. Rep. 34
Vice and immorality.
Forestalling.

Sabbath.

Gaming.

Bills of mortality.

Gun-powder.
Lights in hay stables.
Fire-places, stoves, etc.

Ashes.

Gauging.

Hay.

Forestalling.

Runners.

Dogs.

Weights and measures. Dangerous manufactories. Fire wardens.	appoint an examiner of weights and measures, and prescribe his powers and duties ; to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires ; to appoint fire wardens with such duties and powers as the common council shall prescribe, and to adopt such measures for the prevention and suppressing of fires, as the said common council shall deem expedient ; to compel the owners and occupants of houses and other buildings, to have scuttles on the roofs of any such houses or buildings, and stairs or ladders leading to the same ; to regulate the dimensions of chimnies so as to admit chimney-sweeps to sweep and clean the same ; to appoint watchmen and prescribe their powers and duties ; to authorise any magistrate, constable or other person to stop any person riding or driving immoderately through any of the streets of the said city, or otherwise to prohibit such offences ; to establish and regulate docks, wharves or whatever may be necessary in and about the same ; to regulate the measuring and sale of salt and lime, and the weighing of fish and iron which may be exposed for sale on board of any vessel lying at any of the docks or wharves, for detecting frauds in the sale thereof ; to abate or remove any nuisances in any street or wharf or on the lot or enclosure of any person ; to regulate the markets ; to regulate cartmen and cartage ; to appoint firemen to take the charge and management of the fire-engines and apparatus thereto belonging, under such regulations as they shall deem necessary, which firemen shall be exempt from serving as constables or jurors, or in the militia, except in cases of insurrection, invasion, or other imminent danger ; to authorise the mayor, recorder, or any aldermen or assistant, to remove or cause to be removed, and kept away from the vicinity of any fire, all idle and suspicious persons, during such fire, or to compel any persons to aid in the extinguishment thereof, or in the preservation of property exposed to the dangers of such fire ; to require the sheriff and his deputies, the marshal, watch and constables, to be aiding in the extinguishment of all fires, and in preventing goods from being purloined thereat, and in securing the same, subject to the orders of the mayor, recorder, or any alderman or assistant present at such fire ; to require the inhabitants respectively to provide such and so many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in times of fire ; to regulate and arrange with uniformity such buildings as shall be erected ; to regulate, keep in repair, and alter the streets, highways, bridges, wharves and slips, and to appoint one or more suitable persons to see that the same are conformable thereto, and who shall take an oath faithfully to perform their said trust ; to prevent all obstructions in the river near or opposite to such wharves, docks or slips ; to require good and sufficient railings or guards so be constructed on the roofs of all dwelling-houses and other buildings ; to prevent persons from selling cakes and fruit unless licensed in the manner they shall direct ; to regulate the police of the said city ; to direct and regulate the paving or flagging of the side walks ; to regulate the assize and quality of bread, and to provide for the forfeiture and seizure of bread baked contrary thereto ; to prevent the incum-
Scuttles on roofs.	
Chimnies.	
Watchmen.	
Immoderate riding.	
Docks.	
Salt, lime, fish and iron.	
Nuisances.	
Cartmen. Firemen.	
Fires.	
Fire buckets.	
Buildings.	
Streets, bridges, etc.	
River.	
Guards on roofs of houses	
Cakes & fruit	
City police, Paving and flagging. Bread.	

bering of the streets, side walks, wharves or slips with wheelbarrows, lumber, stone or any other materials whatsoever ; to regulate the running at large of cattle, and swine, and the sweeping of chimnies ; to prevent chimney-sweeps, unless licensed as they shall direct, from sweeping or cleaning chimnies ; to restrain all vagrants, common mendicants, street beggars, or persons soliciting alms, or subscriptions for any purpose whatsoever ; and all such persons as shall harbor them, without giving previous notice thereof to a member of the common council, and generally to make all such rules, by-laws and regulations for the good order and government of the said city, and the commerce and trade thereof as they may deem expedient, not repugnant to the constitution or laws of this state, and to inflict penalties upon any citizen or inhabitant thereof or other person or persons for the violation of any by-laws not exceeding twenty-five dollars for any one offence, recoverable with costs in an action of debt, by and in the name of the chamberlain of the said city, for the use of the mayor, aldermen and commonalty thereof, before any justice of the peace or alderman thereof, in which action the first process may be by warrant, and there shall be no stay of execution after judgment upon any pretence whatever, nor shall any exemption be allowed thereupon : *And further*, The common council may subject the parent, master, mistress or guardian of any minor, apprentice, servant or slave, to any such penalty for any offence committed by such minor, apprentice, servant or slave : *And further*, It shall be lawful for the common council to inflict imprisonment upon any person for any offence, not exceeding thirty days, to the house of correction, there to be kept at hard labour, or to the gaol of the said city and county ; and it shall be lawful for the magistrate before whom judgment of imprisonment shall be given to carry the said judgment of imprisonment into effect by a warrant of conviction under his hand and seal, directed to the keeper of the said house of correction or gaol : *Provided*, That no by-laws made by the said common council shall continue in force longer than three years from the passing thereof, subject however at all times to be repealed by the legislature.

X. *And be it further enacted*, That it shall be lawful for the mayor to grant permits for retailing spirituous liquors under five gallons, and for keeping taverns within the said city, at the time and under the regulations prescribed in the act, entitled " an act to lay aduty on strong liquors, and for regulating inns and taverns," and also to exact and receive from the several persons to whom such permits shall be granted, the same excise duties as are allowed and prescribed by the said recited act, to be accounted for and paid over to the overseers of the poor of the said city, for the support of the poor thereof, besides a fee of two dollars for every such permit, as a compensation for the services of the said mayor : *And further*, Out of the said excise duties, the sum of five hundred dollars shall annually be paid by the said mayor to the trustees of the Albany Lancaster school, according to their act of incorporation.

XI. *And be it further enacted*, That if in the opinion of the common council it shall be necessary to take the ground or other real

Incumbering
of streets.
Swine & cattle.

Chim. sweeps.

Vagrants.

Good govern-
ment of the
city.

Penalties.

Parents in
what case li-
able for.

Imprisonment
at hard labour

Duration of
by laws.

Mayor to
grant licen-
ses to grocers
and tavern-
keepers.

500 dolls. an-
nually to be
paid out of the
excise duties
to the Lancas-
ter school.

Real estate
for certain
purposes

when & how
to be taken by
the common
council.
6 John. Rep.
1-7 lb. 541

estate with the appurtenances of any person for the purpose of removing any encroachment on any street, by a building or otherwise, or for opening, widening, straightening, laying out or altering any street, wharf or slip, and the common council shall require the same, they shall give notice thereof to the owner or parties interested therein, or to his or their agent or legal representative, and the said common council shall treat with such person for the same, any if any such person shall refuse to treat for such ground or other real estate with the appurtenances, or the common council cannot agree with such person for the same, it shall be lawful for the mayor or recorder and any two or more aldermen, by a precept under their hands and seals, to command the sheriff of the city and county of Albany, to impanel and return, and he is hereby required to impanel and return a jury, to appear before the mayor's court of the said city at any term thereafter, not less than three weeks from the date of such precept, to inquire and assess the damages and recompence due to the owner or owners of such ground, or other real estate with the appurtenances, at the same time to summon the owner or owners of such ground, or other real estate with the appurtenances, or his or their agent or legal representative, by written notice to be left at his, her or their most usual place of abode, to appear before such mayor's court on the day and at the place in such precept to be specified, upon which venire the said sheriff shall summon twenty-four good and lawful men, qualified to be jurors in such court, which jury being first duly sworn faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises (if necessary) shall inquire of and assess such damages and recompence as they shall under all the circumstances judge fit to be awarded to the owner or owners of such ground or other real estate or appurtenances for their respective losses according to their several interests and estates therein, and the verdict of such jury and the judgment of the said mayor's court thereon, and the payment of the sum of money so awarded and adjudged, to the owner or owners thereof, or tender or refusal thereof, shall be conclusive and binding against the said owner and owners, his and their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in, or to the same ground or other real estate and appurtenances; and it shall thereupon be lawful for the said mayor, aldermen and commonalty, to cause the same ground or other real estate and appurtenances to be converted to and used for the purposes aforesaid: *Provided always*, That if such owner or parties shall be unknown to the common council, to cause notice as aforesaid of such intended appropriation, specifying therein the ground or other real estate or appurtenances to be appropriated, to be published six weeks successively in the newspaper printed by the printer to the state, and after the expiration of such notice, to cause the damages to be assessed in manner aforesaid without any other notice, and the sheriff in serving the venire aforesaid, instead of summoning such owner or parties to appear, may serve a notice in writing of the time and place of return in such venire on the occupants of the said premises, or if vacant, by affixing the same on some no-

torious part thereof at least eight days before such return, which service shall be deemed a sufficient summons, and it shall also be sufficient to state in the venire that the premises belong to persons unknown: *And provided further*, That the common council may appropriate the premises aforesaid, in case of unknown or non-resident owners or parties, before payment of the sum or sums assessed, and on such owners or parties, or either of them, applying to the mayor's court of the said city, and on proving the extent of his or their interest in the premises appropriated to the satisfaction of the said court, such court shall thereupon ascertain and determine the part or portion of the sum assessed, to be paid to such owners and parties so applying respectively, and enter the same in their minutes, a copy of which entry under the seal of the said court, and certified by the clerk, shall entitle the said owners or parties respectively to the sum or sums so ascertained and determined, and in case of non-payment on demand with interest, or in cases where the owners or parties shall be known and named in the venire, the said common council shall refuse or neglect on demand to pay the sum or sums assessed, with interest from the time of the judgment rendered upon such assessment, the said parties or either of them, entitled to the same, may sue for and recover the same from the said mayor, aldermen and commonalty, in an action of debt on a *mutuatus*, together with such interest and costs, in any court having cognizance thereof, and the proceedings under the said venire and antecedent thereto, shall be conclusive evidence against the defendants.

XII. *And be it further enacted*, That where any known owner or party residing in the said city, shall be an infant, and any proceedings shall be had under the preceding section, it shall be lawful for the mayor's court of the said city, upon application to them by the common council, or by such minor, to appoint a guardian for such infant, taking security from such guardian for the faithful execution of his trust, and every subsequent notice and summons under the said section shall be made and served on such guardian instead of such infant, but if such infant reside without the said city, or be unknown, then proceedings shall be had in like manner as against absent or unknown owners under the preceding section, and with like effect.

XIII. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty, to cause common sewers, drains and vaults, to be made, in any part of the said city, and to order and direct the pitching, levelling and paving, the streets thereof, and the cutting into any drain or sewer, and the altering, amending, cleansing and scouring of any street, vault, sink or common sewer, within the same city, and the raising, reducing, levelling or fencing, in any vacant lots adjoining each other, and to cause to be made estimates of the expense of conforming to such regulations, and a just and equitable assessment thereof, among the owners or occupants of all the houses and lots, intended to be benefited thereby, in proportion as may be to the advantages which each shall be deemed to acquire; and the said common council shall appoint five disinterested freehold-

ers of the said city, to make every such estimate and assessment, who, before they enter upon the execution of their trust, shall be duly sworn before the said mayor or recorder, or any alderman, to make the said estimate and assessment fairly and impartially, according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment, being returned to the said common council, and ratified by them, shall be binding and conclusive upon the owners and occupants of such lots so to be assessed respectively; and such owners and occupants shall also respectively on demand pay to such persons as shall be authorised by the said common council to receive the same, the sum at which such house or lot shall be so assessed, shall be applied towards the making, altering, amending, pitching, paving, cleansing and scouring such streets, and making and repairing such vaults and sewers as aforesaid, and the raising, reducing, levelling or fencing, in any vacant lots adjoining each other, and in default of such payment or any part thereof, it shall be lawful for the mayor, recorder and aldermen, of the same city, or any five of them, of whom the mayor or recorder always to be one, by warrant under their hands and seals, to levy the same by distress and sale of the goods and chattels of such owner or occupant refusing or neglecting to pay the same, rendering the overplus, (if any) after deducting the charges of such distress and sale, to such owner or occupant, or his legal representatives: *Provided always*, That nothing in this act contained shall affect any agreement between any landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other, in the same manner as if this act had never passed: *And further*, That if any money so to be assessed, shall be paid by any person when by agreement or by law, the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who only to have paid the same, and the assessment aforesaid, with proof of payment, shall be conclusive evidence in such suit.

Real estate may be sold for a term of years in cases of default in paying assessments.

XI. *And be it further enacted*, That in case any estimate or assessment as aforesaid, shall not have been complied with, and the sums thereby assessed shall not have been paid, it shall be lawful for the common council to cause the same to be advertised one or more of the public newspapers printed in the said city, for six months, thereby requiring the owners of such lots respectively, to pay the sum at which the said lots shall be assessed, to the chamberlain of the said city, and that if default shall be made in such payment, such lot will be sold at public auction at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed on the same for the expense aforesaid, with the interest thereof; and if, notwithstanding such notice and demand, the owner or owners shall refuse or neglect to pay such assessments with the charge of appraisement, and advertisement, and the interest as aforesaid, then it shall be lawful for the said mayor, aldermen and commonalty,

to cause the said lot to be sold at public auction for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city, and such purchaser, his executors, administrators and assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the same for his and their own proper use against the owner or owners thereof, and all claiming under him, until his term shall be complete and ended; being at liberty to remove all the buildings and materials which he or they shall erect or place thereon, but leaving the ground in sufficient fence, and with the street or streets fronting the same in the order required by the said regulations.

XV. *And be it further enacted*, That if upon completion of any such regulation as aforesaid, it shall appear to the mayor, aldermen and commonalty, or the said city, that a greater sum of money has been *bona fide* expended in making such regulation, than the sum estimated and collected as aforesaid, it shall then be lawful for the said mayor, aldermen and commonalty, to cause a further assessment equal to such excess to be made and collected in manner aforesaid: *And further*, That in case the sum actually expended shall be less than the sum expressed in the said estimate and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same were collected, or their legal representatives.

XVI. *And be it further enacted*, That the amount and estimate of every assessment shall be and remain a lien on the lot or lots so estimated, from the time of the completion and return of such estimate in manner aforesaid, until paid or otherwise satisfied, and that it shall be lawful for the said mayor, aldermen and commonalty, instead of the remedies herein above provided, if they shall see fit, in case any owner or occupant of any lot within the said city shall neglect or refuse to conform his lot to such regulations as aforesaid, to conform the same to such regulations at their own expense, and to sue for and recover the amount of that expense from the owners of such lots or their legal representatives, with interest and costs, in any court within this state having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended for such owners, and the said estimate or assessment, with proof of the amount and payment of the said expense, shall be conclusive evidence for the plaintiffs in every such action: *And further*, It shall be lawful for the said mayor, aldermen and commonalty to sue for and recover in like manner all such sums of money as they may have expended heretofore in consequence of any estimate or assessment made in the manner and for the purposes aforesaid or any of them.

XVII. *And be it further enacted*, That it shall not be lawful for any person to build or erect any dwelling house, store, stable or other building within any part of the said city, east of a straight line to be drawn through the centre of Lark-street to the north and south bounds of the said city, or within such more confined limits as the common council shall from time to time designate,

Further assessments may be made.

Assessments to be a lien on the ground assessed.

Buildings unless of a certain description prohibited within certain bounds

exceeding the following dimensions, to wit, thirty feet in depth from the range of the street on which such dwelling house, store, stable or other building shall adjoin, twenty feet in height from the surface of the stone wall which encloses the cellar, which stone wall shall not exceed two feet above the surface of the street adjoining the said dwelling house, store, stable or other building to the upper part of the wall plate thereof, and the roof whereof shall not be of an elevation exceeding seven and an half inches on every foot, of the length of one of the rafters, to be measured horizontally; except such dwelling house, store, stable or other building, shall be made and constructed of stone, brick or timber faced with brick: *Provided always*, That this section shall not extend to houses or other buildings already contracted to be built or erected beyond the bounds limited before this act for fire proof buildings, and which shall be actually built by the first day of November, in the year one thousand eight hundred and fourteen.

Proviso

Stables and out houses of certain description may be built

XVIII. *And be it further enacted*, That it shall be lawful to build and erect stables and other out houses in that part of the said city last before described of any materials: *Provided*, That such stable shall not exceed fourteen feet in height from the common surface of the earth to the top of the plates, and eighteen feet in the square, and that such out houses shall not exceed twelve feet in height from the common surface of the earth to the top of the plates, and eight feet in the square: *Provided always*, That all roofs of steeples, cupolas and spires of churches and other public buildings may be covered with boards and shingles, any thing in this act to the contrary notwithstanding.

Penalties for offences against preceding sections

XIX. *And be it further enacted*, That if any dwelling house, store or other building shall be erected, constructed, covered or roofed, contrary to this act (except as herein before excepted) the proprietor or proprietors thereof shall, for every such offence, forfeit and pay the sum of one hundred dollars, and the further sum of twenty-five dollars for every month such offence shall be and continue, and the workmen who shall build, construct, raise, erect or roof such dwelling house, store or other building contrary to this act, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered with costs of suit in any court of record within this state, by the chamberlain of the said city, for the use thereof, which suit shall be under the control and direction of the common council.

State and county to pay certain assessments

XX. *And be it further enacted*, That it shall be lawful for the said common council to order the streets within the said city in front of any ground belonging either to the people of this state, or to the supervisors and inhabitants of, or appropriated to, the use of the county of Albany, to be pitched, levelled and paved, in the same manner as the other streets within the said city are directed by law to be pitched, levelled and paved, and that the expenses incurred by the said common council for those purposes, shall, so far as respects the ground belonging to the people of this state, be paid by the treasurer, on the warrant of the comptroller to the chamberlain of the said city; and that the supervisors of the said county shall cause the sums necessary

to defray the said expenses, so far as relates to the ground, belonging or appropriated to the use of the said county, to be levied and collected as part of the contingent charges of the said county, and to be paid to the said chamberlain.

XXI. *And be it further enacted*, That the said common council shall and may, from year to year, cause a tax not exceeding fifteen thousand dollars, to be assessed, collected and paid in the same manner as the other contingent expenses of the said county are assessed, collected and paid, for defraying the expenses of supporting the night watch and lighting the lamps, within the said city; and the chamberlain shall annually publish a statement of the monies received and expended by virtue of this section, in one or more of the public papers printed in the said city.

15,000 dollars may be raised for lamps, &c.

XXII. *And be it further enacted*, That when any building or buildings in the said city are on fire, it shall be lawful for the mayor or recorder, with the consent and concurrence of any two of the aldermen, or for any three of the said aldermen, to direct and order the same, or any other buildings which they may deem hazardous and likely to take fire and convey the same to other buildings, to be pulled down and destroyed; and upon the application of any person interested in any such building so pulled down or destroyed, to the mayor or recorder or any three aldermen, it shall be their duty to issue a precept to the sheriff of the said city to summon a jury of twelve disinterested freeholders, to inquire of and assess the damages which the owners of such buildings, and all persons having any estate or interest therein, have respectively sustained by the pulling down and destroying thereof; which precept shall be executed, returned and proceeded upon as nearly as may be in the manner prescribed by the eleventh section of this act, and the said inquisition and assessment of the said jury having been confirmed by the mayor's court of the said city, the sums thereby assessed shall be paid by the said mayor, aldermen and commonalty, to the respective persons in whose favor the jury shall have assessed the same, in full satisfaction of all demands and damages of such persons respectively, by reason of the pulling down or destroying such buildings, and the mayor's court before whom such process shall be returnable, shall have the like power to compel the attendance of jurors and witnesses, upon any assessment of damages in pursuance of this act, as in actions depending in the said court; and the expenses of such assessment shall also be borne and defrayed by the said mayor, aldermen and commonalty.

Authority to pull down and destroy hazardous buildings in case of fire

Remedy to owners

XXIII. *And be it further enacted*, That upon the trial of any issue or upon the taking or making of any inquisition, or upon the judicial investigation of any facts whatever, to which issue, inquest or investigation, the mayor, aldermen and commonalty of the said city are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror, by reason of his being an inhabitant, freeholder or freeman of the said city: And that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such

Inhabitants deemed competent witnesses in suits in which the common council are a party.

Persons sued for any thing

done under
this act may
plead the
general issue.

Board of
health.

Members al-
lowed a rea-
sonable com-
pensation.

Mayor annu-
ally to appoint
a superinten-
dant of the
markets.

Duty of super-
intendent.

Fees allowed
to be taken by
him.

Proviso.

Mayor's fees
for butchers
licenses.

person to plead the general issue, and give this act and the special matter in evidence at the trial.

XXIV. *And be it further enacted*, That it shall be lawful for the said common council from time to time to appoint so many of the members thereof, as shall be thought necessary to form a board of health, to aid and assist the mayor and recorder of the said city, to carry into effect the provisions of the several statutes which are or may be passed to preserve the health of the said city, and to prevent the introduction and spreading of infectious and pestilential diseases in the same ; and the said board in conjunction with the said mayor or recorder, shall have the like powers and authority for the purposes aforesaid, as are possessed by the mayor and recorder and the board of health in the city of New-York : *And further*, That the members of the said board of health shall receive a reasonable compensation for their services, to be determined by the said common council, and paid by the mayor, aldermen and commonalty of the said city.

XXV. *And be it further enacted*, That the mayor of the said city as clerk of the market, shall at least once in every year, and oftener, if he shall deem it necessary, by writing under his hand and seal, appoint one inhabitant of the said city, being a citizen of the United States, to be the superintendent of the markets in the said city, whose duty it shall be, under the direction of the said mayor, to inspect the weights, measures and balances, that shall or may be used in the said markets, and to seize and destroy such as are not according to the established standard ; and also to inspect on every market day, all meats that may be exposed for sale in said markets, and to seize and destroy such as may be tainted, or otherwise unfit to eat ; and also to inspect the stalls in the said markets, and cause the occupants to keep them clean, and to keep clean the equal half of the said markets fronting and adjoining to said stalls, and also to inquire into the conduct of all persons who shall expose for sale or vend any provisions in said markets, and whether they or any of them are guilty of any infraction of the by-laws of the common council, and to report all offenders against such by-laws to the chamberlain of the said city, whose duty it shall be forthwith to prosecute the offenders for the penalties annexed to their several offences.

XXVI. *And be it further enacted*, That it shall be lawful for the said superintendent of the market to exact and receive from the said butchers respectively, such sums as the said mayor shall from time to time prescribe, which sums the said superintendent shall account for to the mayor, who shall pay out of the same to the said superintendant such compensation for his salary as they shall agree on, and retain the overplus to his own use : *Provided always*, That it shall not be lawful for the said superintendent to exact and receive as aforesaid, more than six cents for every quarter of beef, and four cents for every calf, sheep and hog, and two cents for every carcase of other meat, of whatsoever kind it may be, which shall be cut up or exposed for sale in the said market by any of the said butchers : *And further*, That it shall be lawful, for the mayor to exact and receive to his own use, one

dollar for every butcher's license; and the said superintendent shall, before he enters upon the execution of his said office, take and subscribe an oath or affirmation before the mayor or recorder of the said city, well and faithfully to execute the duties of the said office, without favor, affection or partiality, and file the same in the office of the clerk of the said city.

Superintendent to take an oath.

XXVII. *And be it further enacted,* That it shall be lawful for the said mayor, by writing under his hand and seal, to license so many butchers within the said city as he shall deem necessary, subject to such regulations as the common council may adopt, which license shall endure until the first Tuesday of May in every year next after their date, unless the same shall be sooner suppressed by the mayor or recorder, and any two aldermen of the said city, by reason of any infraction of the by-laws of the common council, or for other mal-conduct of such butchers in the course of their trade, which shall be inquired of and determined in a summary way.

Mayor to license butchers

Licenses may be suppressed.

XXVIII. *And be it further enacted and declared,* That the right of ferry granted by the charter of the said city to the mayor, aldermen and commonalty thereof, shall be so construed, as to vest in the said mayor, aldermen and commonalty, the sole and exclusive right of establishing, licensing and regulating all ferries on each side of the Hudson river, leading from Greenbush opposite the east bounds of the said city, to the said city, and from the said city to Greenbush.

Right of ferryage to and from Greenbush granted to the com. council.

XXIX. *And be it further enacted,* That it shall and may be lawful for the common council of the said city to give and grant unto the mayor thereof for the time being, in lieu of all fees and perquisites, such salary per annum, not exceeding the sum of one thousand two hundred dollars and not less than eight hundred dollars, as such common council shall direct, payable out of the treasury of the said city quarter yearly, and thereupon all sums of money payable to the said mayor for his services as such, shall be paid into the treasury of the said city for the use thereof.

Com. council may allow the mayor a salary in lieu of perquisites.

XXX. *And be it further enacted,* That it shall be lawful for the said common council, to take the real estate of any person or persons for the purpose of a market site in the manner in which they are now authorised by this act to take any real estate for the purpose of opening or widening streets, and to proceed to an assessment and payment in like manner: *Provided,* That nothing herein contained shall authorise the said common council to take real estate under this section for more than one market site: *And provided further,* That nothing in this section contained shall be construed to authorise the common council to take any real estate on which any dwelling-house or any public building shall be erected without the consent of the owners thereof.

Com. council may take real property for a market site.

Proviso.

XXXI. *And be it further enacted,* That it shall be lawful for the mayor of the said city to appoint during his pleasure, a person to be called the deputy excise officer, with power to such officer, under the controul of the said mayor, to grant licenses to tavern-keepers, grocers and keepers of ordinaries, victualling and oyster houses, within the said city, but the said mayor shall sign such

Mayor may appoint a deputy excise officer.

licenses, and the salary of such deputy excise officer shall be ascertained and paid by the said common council.

[*Note.*—The laws which have been adopted in whole or in part in the foregoing act, are the acts of March 21, 1787, altering the charter rights, &c. of February 21, 1791, of April 2, 1801, concerning the Mayor's court, &c.—of the 4th April, 1801—of April 3, 1802—of March 3, 1803—of April 9, 1804—of April 6, 1805—of April 2, 1806—of March 25, 1808—of March 28, 1809.—The city of Albany was settled in 1614, and was known until 1664, by the names of *Beverwyck*, *Schepenen of Williamstadt*, the *Fuyck*, &c. On the 24th Sept. 1664, it surrendered to the English, and received its present name of *Albany*.—*vide* Smith's Hist. of New-York, 22.—Albany received its charter as a city from Governor Dongan, July 22, 1686. Several laws were passed during the colonial government relating to Albany, but are not supposed necessary to be here detailed.]

CHAP. CCIII.

An ACT for the Payment of certain Officers of Government and for other purposes.

Passed April 13, 1813.

XXXIII. *And be it further enacted*, That the mayor, recorder, aldermen and assistants of the city of Albany, shall and may by virtue of their respective offices, be members of the Albany Lancaster school society, any law to the contrary notwithstanding.

CHAP. CXXV.

An ACT to prevent the Interruption of public Religious Worship in the City of Albany.

Passed April 2d, 1813.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees of any religious society in the city of Albany, with the consent of the mayor or recorder, or any two aldermen of the said city, to erect barriers across any streets in the said city, and contiguous to the respective places of worship in the said city, so as to prevent the passage of carriages during divine service on the sabbath day, and such other days as are set apart for public religious worship by lawful authority: *Provided always*, That such barriers shall not be erected before nine o'clock in the forenoon, nor continue after five o'clock in the afternoon, and shall not obstruct the side walks of any street.

CHAP. LI.—(R.L.)

*An ACT relating to the City of Schenectady.**

Passed April 2, 1813.

[S.&L. v. 2. 33, 197, 198.—V. S. v. 1. 143, 352.—Ib. v. 2. 731.—J.&V. v. 2. 131, 288, 469.—Lor. And. sess. 21. 359.—Gr. v. 1. 426.—Ib. v. 2. 121, 122, 289, 325.—Ib. v. 3. 114, 219, 243, 299, 466.—K & R. v. 2. 175.—W. v. 3. 19, 21.—Ib. v. 4. 529.—Ib. v. 5. 106.]

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all that district of country

[* Schenectady was incorporated as a City, March 26, 1798. Sess. 21. ch. 50. Lor. And. 359. Before that period its present corporate property was held under letters

contained within the following limits, to wit: beginning on the north bank of the Mohawk river, about four miles below the late village of Schenectady, opposite the mouth of a small creek, called Laughter's killitie, where the east bounds of Schenectady patent comes to the said river, thence along the northerly, northeasterly, northwesterly, westerly, southerly and southeasterly bounds thereof to the north bounds of the manor of Rensselaerwyck, thence along the same easterly to the said easterly bounds of the Schenectady patent, thence along the same northerly to the said Mohawk river, and then with a straight line to the place of beginning, shall continue to be a city by the name of Schenectady; and that all the freemen of this state, from time to time, being inhabitants thereof, shall be a body corporate, by the name of the mayor, aldermen and commonalty, of the city of Schenectady, and by that name they and their successors shall be known in law, and be capable of suing and being sued, and of defending in all courts of law and equity, and in all actions and matters whatsoever, and may have a common seal, and alter the same at their pleasure, and shall be absolutely and completely vested with all the estate and interest of and in the common lands, tenements and hereditaments, of the said city, not heretofore disposed of, and of all manner of debts which now are or hereafter may be due and unpaid, and are made payable to any former trustees of the late township of Schenectady, in the capacity of trustees thereof: *Provided however*, That nothing herein contained shall be construed to affect any suits which now are depending, or which may hereafter become necessary for any purchaser to commence in the name of any former trustees of the late township of Schenectady, to try the title to or recover the possession of any land situated within the patent aforesaid, but the same may be prosecuted in the same manner as if this act had not been passed.

Bounds of the city of Schenectady.
K. & R. v. 2.
175. § 1.
April 4, 1801

Corporate name, rights and powers.

Proviso.

II. *And be it further enacted*, That the said city shall be divided into four wards, and the inhabitants of each ward shall have power to elect two aldermen and two assistants, together with all such officers as are by this act provided to be chosen, except the treasurer and clerk of the said city, which said election of aldermen and assistants and other officers, shall be annually held in each of the said wards on the first Tuesday in April; and that the division of said city into wards, shall be in the following manner, to wit: All that tract of country contained within the following bounds, beginning at the northwest corner of a lot of ground formerly belonging to Nicholas Van Patten, deceased, on the easterly bank of a branch of the Mohawk river, thence along the northerly bounds of said lot to the street, thence along said street southerly until it comes opposite to the centre of Union-street, thence along through the middle of said street, and

Number of wards and of officers to be chosen in each.
K. & R. v. 2.
175. § 2.

Bounds of first ward.
K. & R. v. 2.
175. § 19.

patent, dated November 1, 1684, granted to William Teller, Ryer Schermerhorn and others, *as trustees, &c.* Schermerhorn, as surviving trustee, conveyed to William Apple, Oct. 21, 1714. Apple, on the same day, conveyed to Schermerhorn, Aaron Bradt and others, *in trust, &c.* Bradt, as survivor, devised to Abraham Fonda and others, *as trustees, &c.*]

the road that leads from said city to Nistigauna aforesaid, to the easterly bounds of the patent of Schenectady, thence along said bounds as they run to the Mohawk river, thence along said river up the stream thereof as it winds and turns until it comes opposite to where the east bounds of said Schenectady patent comes to said river, thence with a straight line to the middle of said river, thence up the stream through the middle as it turns and winds until it comes about five chains above the upper ferry, and thence with a straight line to the place of beginning, shall be the first ward of said city: and all that tract of country contained within the following limits, beginning at the northwest corner of the lot formerly belonging to Nicholas Van Patten, deceased, being also the place of beginning of the first ward, on the easterly bank of a branch of the Mohawk river, and runs thence along the same up stream to the mouth of a creek called the Church mill-creek, thence up the said branch of the Mohawk river eight chains, thence due east until it intersects a line running from the mouth of said mill-creek south eight degrees east, then south eight degrees east to the southerly bounds of the patent of Schenectady, thence along the same southeasterly till it intersects the north bounds of the manor of Rensselaerwyck, thence along the same easterly to the easterly bounds of the patent of Schenectady, thence along the same as it runs to the road that leads from Schenectady to Nistigauna, being the southeasterly corner of the first ward, thence along the same as it runs to the place of beginning, shall be the second ward of said city: and all that tract of country contained within the following limits, beginning at the northwest corner of the lot whereon the present dwelling-house of Nicholas Van Patten stands, being the place of beginning of the first and second wards, and runs from thence along said second ward southerly to the southerly bounds of the patent of Schenectady, thence along the same southwesterly, northwesterly and northerly, to the Mohawk river, thence to the middle of the same, thence down the same as it winds and turns to the northwest corner of the first ward about five chains above the upper ferry, thence along the said first ward southerly to the place of beginning, shall be the third ward of said city: and all that tract of country contained within the following limits, beginning in the middle of the said Mohawk river, where the easterly bounds of said Schenectady patent comes to the river opposite the mouth of a certain small creek called Laughter's killitie, and runs thence along the said east bounds thereof to the northeast corner of said Schenectady patent, thence along the northerly, northeasterly, northwesterly and westerly bounds thereof, to the said Mohawk river, and thence along the middle thereof as it winds and turns to the place of beginning, shall be the fourth ward of said city.

III. *And be it further enacted*, That there shall be in and for the said city, one mayor, who shall have the power to take the acknowledgment and proof of deeds and other writings, eight aldermen, eight assistants, one clerk, one treasurer, four supervisors, and as many assessors, collectors, constables, overseers of the poor, pound-masters and fence-viewers, as the common council hereinafter constituted and appointed, shall from time to time

The city to have a mayor and other officers therein named.
K. & R. v. 2.
176. § 3.
W. v 3. 21.
Sess. 25, c 79.
W. v 4. 520.
Sess. 29, c 129.
Sess. 34, c 225

direct to be chosen, which supervisors, assessors, collectors, constables and other officers, so directed to be chosen, shall be chosen in the manner, and at the time and place, herein directed for the annual election of officers within said city.

IV. *And be it further enacted*, That it shall be the duty of the person administering the government of this state, by and with the advice and consent of the council of appointment, at such time as said council shall be assembled, to nominate and appoint, out of the citizens and inhabitants of said city of Schenectady, one fit and discreet person to be mayor of said city, which said mayor shall continue in his said office for the term of one year from such appointment, and until some other person shall be appointed and sworn in his stead.

Mayor how appointed, and duration of office.
K&R. v 2. 176 § 4

V. *And be it further enacted*, That on the first Tuesday of April in every year, the inhabitants of said city shall assemble in their respective wards, at such time of the day, and at such public places, as the common council shall for that purpose, at their meeting next previous to such election, have appointed, and then and there, by plurality of votes, choose out of the inhabitants of said city residing in their respective wards, for the ensuing year, two aldermen, two assistants, one supervisor, and such a number of assessors, collectors, constables, pound-masters, fence-viewers, and such other proper and necessary officers as the common council of the said city shall, from time to time, deem necessary and direct to be chosen.

Election of officers in each ward.
K&R. v. 2. 176. § 5
Sess. 34. c 226

VI. *And be it further enacted*, That all the inhabitants of said city, qualified by the existing laws of this state to vote at town-meetings, shall be entitled to vote for aldermen and assistants, and all other officers, at such time and place as is herein before directed.

Qualifications of electors.
K&R. v 2. 176. § 6

VII. *And be it further enacted*, That every person to be chosen alderman or assistant of the said city by virtue of this act, shall be a freeholder within this state, or have hired a tenement of the yearly value of thirty dollars, and actually paid taxes in said city, and resided within said city at least one year before such election, and resident within their respective wards, and the votes given for such aldermen and assistants shall be by ballot; and at least eight days before the day of election annually to be holden by virtue of this act, the common council of said city shall appoint in each ward three persons, who shall preside as inspectors of said election, and such persons so appointed shall preside and canvass the ballots of such election; and declare the several officers who may have been chosen, and shall have power to decide on the qualification of electors, and shall provide and keep poll-books, wherein shall be entered the names of the persons who voted at such election.

Of the aldermen and assistants.
K&R. v. 2. 137. § 7

Elections how conducted.

VIII. *And be it further enacted*, That each inspector, before he enters upon the execution of the duties of his office, shall take and subscribe an oath faithfully to perform and execute the duty of an inspector, according to the best of his knowledge and abilities, which oath shall be administered by any justice of the peace residing in the said city.

Inspectors to take an oath.
K&R. v. 2. 177. § 8

Com council
and their pow-
ers.

R. v. 2. 177
§ 1. 1. 181
§ 2. 1. 184
§ 25. 1. 34.
c 25 § 2

Constables.

Poor.

Petty grocers.

Gaming.

Slaves & ser-
vants.

Horses, hogs,
cows, &c.

Fire-buckets.

Fines and pe-
nalties.

Proviso.

Com council
of the first &
second wards.
W. v. 3. 19 § 1
Sess. 25. c 79
Their powers.

Pitching, lev-
elling and
paving.

Drains or
sewers.

Expenses how
apportioned
and paid.

Superintend-
ents to take
an oath.

IX. And be it further enacted, That the mayor, aldermen and assistants of the said city, shall be called the common council of the city of Schenectady, who, or the major part of them, whereof the mayor always to be one, shall have power and authority to pass such by-laws and establish such wholesome regulations, as by them from time to time shall be thought expedient the better to manage and secure their common property, and also power and authority to take bonds and sureties, to be given by constables or any other officers of said city, for the faithful discharge of the duties of their office, and also relative to the overseeing of the poor within the said city; to pass ordinances for regulating petty grocers in the said city, and for exacting a recognizance of every such grocer in such penalty and with such sureties as the common council shall deem reasonable, conditioned that he shall not permit any strong or spirituous liquors to be drank in his shop, out-house, yard or garden, nor suffer any kind of gaming within the same, nor sell any sort of strong or spirituous liquors to any servant or slave, without a permit from his or her master or mistress; from time to time to make such by-laws as they may conceive necessary for restraining any horses, hogs, cows or any other cattle from running at large on the flats commonly called the Bowland, and the islands distinguished by the names of Van Slyck's, Wemple's and Fonda's islands, lying within the bounds of the said city; to direct and require the inhabitants or owners of dwelling-houses and other buildings in said city, within the limits aforesaid, to provide themselves with such and so many fire-buckets, to be ready in such houses and buildings for the purpose of extinguishing fires; and to impose such reasonable fines and penalties for disobedience thereof as they may think proper: *Provided*, That such by-laws be not contrary to, or inconsistent with, the constitution or laws of this state:

X. And be it further enacted, That it shall be lawful for the mayor of the city of Schenectady, together with the aldermen and assistants of the first and second wards of the said city, or the major part of them, from time to time to convene in common council, and make and establish ordinances and regulations for pitching, levelling and paving or gravelling the streets, and the cutting into any drain or sewer, and the altering, amending, cleansing and scouring of any street, vault, sink or common sewer within the same wards by the owners or occupants of houses and lots intended to be benefited thereby, and to appoint one or more discreet and skillful person to superintend and prescribe the manner in which the aforesaid work shall be performed, and to apportion the sum which shall or may be agreed to be paid to the said superintendent, in proportion, as nearly as may be, to the advantages which each owner or occupant shall be deemed to acquire; and that the sums imposed on the said owners and occupants respectively by such apportionment, shall be recoverable of them in the name of the said superintendents, before any justice of the peace in and for the county of Schenectady: *And further*, That the said superintendents shall, before they enter upon the execution of their offices, severally take and subscribe before the mayor of the said city, an oath, well and truly to execute the

duties of their offices without fear, favor or partiality, according to the ordinances and regulations to be made and established by the said mayor, aldermen and assistants, and shall file certificates thereof in the clerk's office of the said city.

XI. *And be it further enacted*, That the mayor, and the aldermen and assistants of the first and second wards of said city, or the major part of them, in common council convened, shall and may pass ordinances for the more effectual suppression of vice and immorality, and to enforce the due observance of the sabbath day, and suppress and restrain disorderly and gaming houses within the said first and second wards, and also to suppress billiard-tables and other instruments and devices used within the said first and second wards for the purpose of gaming, and all other ordinances which in the opinion of the said common council may be necessary for preserving peace and good order, and to prevent forestalling and regrating, and for detecting and restraining every kind of fraudulent device or practice within the first and second wards of the said city : *Provided always*, That no ordinance to be passed by virtue of any of the provisions in this act shall be repugnant to the constitution or any statute of this state.

XII. *And be it further enacted*, That the common council of the said first and second wards, shall and may from time to time and as often as they shall deem it necessary, pass ordinances to regulate the keeping, carting, conveying and transporting of gunpowder, or any other combustible or dangerous materials, within the bounds of the said first and second wards, and also to regulate the use of lights and candles in livery and other stables within the said first and second wards, and also to remove and prevent the construction of any fire-place, hearth, chimney, stove, oven, boiler, kettle, or apparatus used in any manufactory, or business which may be dangerous in causing or promoting fires, and also to direct the construction of safe deposits for ashes, and to appoint one or more officer or officers at reasonable times to enter into and examine all dwelling-houses, lots, yards, enclosures and buildings of every description within the said first and second wards, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous, to be put in a safe and secure condition.

XIII. *And be it further enacted*, That the common council of the said first and second wards, shall and may from time to time make ordinances to regulate the assize and quality of bread within the first and second wards of the said city, and provide for the forfeiture and seizure of all bread baked, offered or exposed for sale within the same contrary thereto, and to inflict reasonable penalties upon all offenders against the same ordinances, to impose the like fines and penalties for incumbering the side-walks or the streets of the said first and second wards with goods and other things, and for obstructing such side-walks with wheelbarrows, handbarrows, sleds or other carriages, and also to prevent and remove nuisances within the said first and second wards, and also to regulate the sweeping and burning of chimnies within the same, and to license proper persons for the purpose of sweeping and to restrain unlicensed persons from sweeping chimnies, and

Further powers of com. council of first and second wards.
Sess. 34. c 225 § 5
Sabbath day.
Disorderly & gaming houses.
Billiard tables etc.

Forestalling and regrating, etc.

Proviso.

Further powers of the com. council of first and second wards.
Sess. 34. c 225 § 6

Lights and candles.

Fire-place, hearth, chimney, etc.

Ashes.

To examine dwelling-houses, etc. as to their security against fire.

Further powers of com. council of first and second ward.
Sess. 34. c 225 § 7

Side-walks.

Obstructions thereof.

Nuisances.

Chimnies.

Chimney sweeps.

Vagrants,
Fines.

to apprehend and commit all vagrants and common mendicants, or street beggars, and to impose reasonable fines upon all persons who shall harbour them without giving notice thereof to the mayor, or one of the aldermen of the said first and second wards, and also to regulate the weighing and certifying the quality of hay; to regulate weights and measures, and to appoint an examiner thereof; to establish a slaughter-house, and to regulate the killing of any animals for markets within the said first and second wards.

Hay.

Weights and
measures.
Slaughter
houses.

Tax to sup-
port a night
watch.
Sess 34. c. 225
sec. 10

How levied

XIV. *And be it further enacted*, That it shall and may be lawful for the mayor, and the aldermen and assistants of the first and second wards of the said city, annually to order the raising a sum not exceeding one thousand dollars, in order to support a night watch to guard the said city through the whole year, and that the same be levied and collected from the taxable inhabitants living within three quarters of a mile from the old Dutch church in the said city.

Mayor pro
tempore may
be appointed,
and when and
how
Sess 34. c. 225
sec 11

XV. *And be it further enacted*, That the aldermen and assistants of the first and second wards, or the major part of them, in the absence of the mayor, may appoint a mayor *pro tempore* to preside at their meetings, and that they, or the major part of them, shall have the like power and authority in making ordinances and publishing all by-laws as if the said mayor with the said aldermen and assistants had been present at and consented to the same; that in case of the absence, death, sickness or removal from office of the mayor, it shall be lawful for one of the aldermen of said city to be nominated and appointed, by the aldermen and assistants of said city, in a meeting of said aldermen and assistants for that purpose to be convened, which meeting shall be summoned by writing under the hands and seals of any two aldermen thereof, to execute all the duties to the office of said mayor appertaining, during the absence, sickness or removal from office of said mayor, or until a successor be duly appointed and sworn, except the taking of proofs and acknowledgments of conveyances as herein before mentioned.

If mayor dead,
sick, etc. an
alderman to
be chosen, etc.
KK&R. v 2, 179
§ 15
How and by
whom

Powers

Exception

Firemen how
chosen, num-
ber and power
and duties
KK&R. v 2, 183
§ 23
Sess 34. c. 225
§ 9
KK&R. v. 2.
283. § 24

XVI. *And be it further enacted*, That it shall be lawful for the mayor, aldermen and assistants of the first and second wards of the said city to nominate and appoint out of the inhabitants of said city, residing and dwelling on the south side of the Mohawk river, and not more than three quarters of a mile from the Dutch church, a sufficient number of able, discreet and sober men, not exceeding eighty in number, being freeholders or freemen of said city, to have the care, management, working and using the fire engines and the tools and instruments now or hereafter to be provided for extinguishing fires within the said city, which persons so to be nominated and appointed shall be called the Firemen of the city of Schenectady, who are hereby required to be ready at all times, as well by night as by day, to manage, work and use the said fire engines and other tools and instruments aforesaid; that each of the persons so to be nominated and appointed a fireman shall, during his continuance as one of the firemen, be exempt from serving in the office of constable and overseers of the highways, and from serving as jurors, and from serving in the militia, except in cases of invasion or other imminent danger, and for this purpose the name of each fireman to be appointed shall

Privileges of
firemen

be entered with the clerk of the said city, and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption: *And further*, The said mayor, aldermen and assistants, or the major part of them, when convened, shall have power from time to time to remove any firemen so to be appointed and others to appoint in their stead, and to make and ordain such rules and regulations for the government of the persons so to be appointed firemen in the working and frequent using and trying the said fire engines, tools and instruments, and to impose such reasonable fines and penalties upon such firemen, or any of them, for default in performing the duties thereby to be required from them, as they from time to time may think proper.

Firemen may be removed

Rules and regulations

Fire engines, &c.

XVII. *And be it further enacted*, That it shall be lawful for the said mayor of the said city, and the aldermen and assistants of the first and second wards of the said city, or the major part of them, whereof the mayor always to be one, to make by-laws relative to the public markets within those wards, so that such by-laws shall not extend to the regulating or ascertaining the price of any commodity or article of provision which may be brought for sale within the said limits, and relative to the streets and highways and preventing of fire within the said limits, and relative to a night watch the burial of the dead, the public lights or lamps, and restraining geese and swine going at large within the limits aforesaid, and relative to any thing whatsoever which may concern the good government and police of the said city within the limits aforesaid: *Provided always*, That none of the penalties to be inflicted for any one offence against any of the by-laws or ordinances of the common council of the said city, or the common council of the first and second wards thereof, shall exceed ten dollars, all which penalties shall and may be recovered in the name of the treasurer of the said city, in an action of debt in the same manner that debts to the value of twenty-five dollars or under are now recoverable against non-resident debtors; and that all penalties to be recovered for any infraction of any of the by-laws or ordinances of the common council of the said city shall be paid to the treasurer for the use of the said city; and all penalties to be recovered under any of the by-laws or ordinances of the common council of the first and second wards of the said city shall also be paid to the treasurer for the use of the said first and second wards.

Markets, how far regulated
K&R v 2, 182
§ 22
Sess 34. c. 225
§ 7

Streets and highways
Fires
Night watch
Funerals
Lamps
Geese and swine

Police
Sess 34. c. 225
§ 7

Penalties, amount and how recoverable

To whom paid

XVIII. *And be it further enacted*, That the mayor of the said city shall have the exclusive power, within the first and second wards, to grant licenses annually, under the public seal of the said city, to all such persons as he shall think fit, to keep a tavern, inn, ordinary or victualling house, and to sell wine, brandy, rum, cider, beer, ale or any other sort of excisable or strong liquors within the first and second wards respectively; and it shall be the duty of the mayor, aldermen and assistants of the said city, annually to appoint a commissioner of excise in each of the third and fourth wards of the said city, whose duty it shall be to grant all licenses for keeping inns and taverns and retailing spirituous liquors in their respective wards, subject nevertheless to the approbation of the said mayor, aldermen and assistants to

Licenses for taverns, &c. by whom and how granted
K&R v 2, 180
§ 18
Sess 34 c 225
§ 3
2 John ca. 340

Commissioner of excise, duty and powers

be signified by affixing the common seal of the said city to every such license at the time of granting the same; and it shall be lawful for the said mayor and commissioners of excise to demand and receive, for every license to be by them respectively granted as aforesaid, from the persons to whom the same shall be granted, the like sums as a duty of excise, and the same fees as are now receivable by the commissioners of excise within the several towns of this state; and the monies arising from the said duty of excise shall be paid to the treasurer of the said city, to be appropriated by the mayor and common council towards the support of the poor thereof, the said mayor and commissioners exhibiting to the said treasurer an account in detail of the persons to whom they have severally granted licenses and the sums respectively received for the same; that the recognizance which may be required of persons licensed to retail strong and spirituous liquors to be drunk in his or her house, out-house, yard or garden within the said city, in pursuance of the sixth section of the act, entitled "an act to lay a duty on strong and spirituous liquors, and for regulating inns and taverns," passed the 7th April, 1801, and the recognizances of grocers to be taken and entered into pursuant to the provisions of this act, instead of being entered into and acknowledged to and in the name of the people of the state of New-York, shall be taken in the name of the said mayor, aldermen and commonalty, and that the said mayor, aldermen and commonalty in common council convened, shall and may make such orders in relation to prosecutions for breaches thereof, as they shall deem proper and necessary to preserve peace and good order, and to promote the welfare of the said city.

X.X. And be it further enacted, That no tavern-keeper or grocer in the said city, shall permit any riotous or noisy persons to be assembled in his or her house on the sabbath day, nor permit at any time, any manner of gaming, quarrelling or other disorderly practice or conduct, nor keep any billiard table or other instrument or device used for gaming; and that it shall and may be lawful for the mayor of the said city, in conjunction with any two of the aldermen thereof, to hear and determine in a summary way, any complaint which may be preferred against any tavern-keeper or grocer for any offence in the premises, and, in case they shall judge it necessary, to deprive any tavern-keeper or grocer who shall offend in the premises of his or her license.

XX. And be it further enacted, That the common council of the said city shall meet on the first Tuesday in May in every year, and oftener if necessary, at which meeting every transaction relating to the common lands and property shall be determined by a plurality of votes of the members present, and no sale, lease, gift or disposition whatever of such common property shall be valid unless two thirds of the whole number of aldermen and assistants of said city shall give their assent to the same; and to constitute a legal meeting for any other purpose there shall be present at least two thirds of all the members composing the common council of said city, and in cases of emergency it shall be lawful for the mayor of the said city to call a meeting at other times than herein before provided: *Provided*, That it shall and

Excise monies
how appropriated
and entered
Sess 34. c. 225
§ 3

Recognizances how taken
and entered
3 Caines' R. p.
137
6 John. Rep.
101
7 Ibid. 134

No tavern-keeper or grocer
etc. to permit
gaming, quarrelling, etc.
Sess 34. c. 225
§ 4.

On pain of
forfeiting his
license.

All transactions as to
common lands,
etc. how disposed of and
determined.
KKR. v 2. 178
§ 13.

may be lawful for the mayor, aldermen and commonalty of the city of Schenectady, by and with the assent of two thirds of all the members composing the common council of the said city, to sell, lease or otherwise dispose of, so much of the common lands belonging to the said city as lie contiguous to and on both sides of the Albany and Schenectady turnpike road, and that the monies arising therefrom be appropriated to such public purposes within the said city as to the said common council may seem expedient and proper.

Powers as to certain common lands along the turnpike.
W. v 4. 529
Sess 29. c 129
§ 1.

XXI. *And be it further enacted*, That the common council of the said city for the time being, shall be and they are hereby constituted commissioners of highways for the said city; and that it shall and may be lawful for any three of the aldermen or assistants of the said city, or the major part of them, to be for that purpose appointed by the said common council, to lay out or alter such roads or highways as it may be deemed necessary to lay out or alter, subject however, to the approbation of the said common council: *And further*, That the overseers of highways within the said city shall be subject to the direction of the said common council relative to the opening, working and repairing of the roads and bridges within the said city, whether the same be situate within the road districts of the said respective overseers or not, any thing in the law for the regulation of highways to the contrary notwithstanding.

Common council constituted commissioners of highways
W. v 4. 529.
Sess 29. c 129
§ 2.
6 John. R. p. 84
Roads how laid out, altered, etc.

Overseers of highways subject to the com. council.

XXII. *And be it further enacted*, That all monies which shall from time to time come into the treasury of the said city, arising from the sale of any lands, or for rent, interest or otherwise, shall not be appropriated unless by the assent of at least two thirds of all the members composing the common council of the said city.

Voting public monies to be expended requires the concurrence of 2-3ds of common council.
K&R. v 2. 182
§ 20.

XXIII. *And be it further enacted*, That upon the trial of any issue, or upon the taking of any inquest, or making any inquisition, or upon the judicial investigation of any facts whatever in which issue, inquest, inquisition or fact, the mayor, aldermen and commonalty of the city of Schenectady, or the common council of the first and second wards of the said city, shall or may be a party, or interested, no person shall be deemed an incompetent witness or juror for the reason that such person is an inhabitant, freeholder or freeman of the city of Schenectady.

W. v 4. 530
Sess 29. c 129
§ 3.
Inhabitants witnesses and jurors in questions touching the corporation, etc.
W. v 5. 106
Sess 30. c 92.

XXIV. *And be it further enacted*, That on the first Tuesday of May in every year the common council of said city shall nominate and appoint one fit person, being a freeholder and inhabitant of said city, to be treasurer of said city, and one other fit person to be clerk for the year then next ensuing; and the said treasurer before he shall enter on the execution of the duties of his office, shall give bond with two sureties to be approved of by said common council in the sum of five thousand dollars, conditioned for the due execution of the duties of his said office, and a faithful discharge of the trust reposed in him; and the said clerk before he enter on the exercise of the duties of his said office, shall make oath faithfully to perform and truly to discharge the duties of his said office to the best of his knowledge and ability, without fraud, favor or partiality.

Treasurer and clerk of the said city, how and when appointed.
K&R. v 2. 178
§ 11.

Treasurer to give bond with sureties.

Clerk to take an oath.

Duty of clerk.
K&R. v 2. 178
§ 12.

XXV. *And be it further enacted*, That it shall be the duty of the clerk to provide and keep a book or books wherein shall be entered all the proceedings of the said common council from time to time, which books and proceedings shall be open at all proper times for the inspection of any of the inhabitants of the said city.

Mayor and
common council
to take an
oath.
K&R. v 2. 179
§ 14.

Oath.

XXVI. *And be it further enacted*, That the mayor and each of the members of the common council of the said city, shall severally before they enter on the discharge of the duties of their respective offices, take and subscribe the following oath or affirmation: "I, A. B. do solemnly swear (or affirm, as the case may be) that I will well, faithfully and truly, execute the office of
to which I am elected (or appointed) to the best of my ability, without fraud, favor or partiality."

Vacancies of
elective officers
how supplied.
K&R. v 2. 180
§ 17.

XXVII. *And be it further enacted*, That if any of the aldermen, assistants, supervisors, collectors or any other of the officers in said city to be elected and sworn in their respective offices as aforesaid, shall die or remove out of said city within the time they shall be respectively elected for, or before other fit persons be respectively elected and sworn in their places, it shall be lawful for the inhabitants of the ward in which such vacancy shall happen, to assemble at such time and place as shall be appointed by the mayor of said city, and then and there by plurality of votes to elect one of the inhabitants of said city to serve as aldermen, assistant, supervisor, assessor, collector or other officer in the place of such officer, so dying or removing; and in case of the death or removal of the treasurer or clerk of said city, it shall be lawful for the common council to appoint another in their respective places at any time after such death or removal; and every such person so newly chosen or appointed and sworn, shall serve in their respective offices until other fit persons be chosen or appointed and sworn in their respective places: *Provided always*, That such election for aldermen, assistant or other officers upon any vacancy, shall be conducted agreeable to the mode herein before prescribed.

Of treasurer
or clerk how
supplied.

Proviso.

Aldermen and
assistants to
render an account of monies, &c. to the
com. council.
K&R. v 2. 182
sec. 21.

XXVIII. *And be it further enacted*, That the aldermen and assistants of the said respective wards shall annually at least fourteen days previous to the annual election for corporation officers within the said city, render a just and true account to the common council of the said city, of all monies by them received in manner and for the purposes mentioned in the twenty-second section of this act.

Marshal and
constables to
attend fires.
K&R. v. 2.
184. § 25.

Their duty at
such fires.

XXIX. *And be it further enacted*, That upon the breaking out of any fire within the said city, the marshal and constables then being in the said city, upon discovery or notice thereof, shall immediately repair to the place where such fire shall happen, with their staves and other badges of authority, and be aiding and assisting as well in extinguishing the said fires as in preventing any goods from being stolen, and also in removing and securing the same, and in the execution of the duties required of them by this act, shall in all respects be obedient to the mayor, aldermen and assistants of said city, or such of them as shall be present at any such fires.

XXX. *And be it further enacted*, That it shall be lawful for the freeholders and inhabitants of the third and fourth wards of the said city, at their annual meetings, to make such regulations respecting those wards as the freeholders and inhabitants of the several towns in this state are allowed by law to make: *Provided*, such regulations be not contrary to or inconsistent with the powers vested in the corporation of the said city.

Third and fourth wards considered towns as to certain purposes.
K. & R. v 2
185 § 29
Proviso

XXXI. *And be it further enacted*, That it shall and may be lawful for the said mayor, aldermen and commonalty, to institute suits in trespass against any person or persons, whether inhabitants of said city or not, who shall cut any wood on the lands, commonly called the common lands of the city of Schenectady, and carry the same out of the bounds of the said city, and the recovery shall be paid into the treasury of said city, for the use thereof.

Com. council may institute suits in trespass for wood cut from the commons in certain cases

XXXII. *And be it further enacted*, That any person or persons, whether inhabitants of said city or not, who shall be found cutting wood on the common lands of said city, in contradiction to the by-laws and ordinances of the mayor, aldermen and commonalty of said city, passed or to be passed for the preservation of the wood on said common lands, pursuant to the laws of this state, shall be liable to be indicted and punished as for wilful and malicious trespass committed on private property.

Persons cutting wood contrary to the by-laws, subject to indictment

XXXIII. *And be it further enacted*, That all the unimproved wood lands within the limits and bounds of the patent of Schenectady, not heretofore lawfully granted and conveyed, shall be and remain in common for timber and fuel for the use of the freeholders and inhabitants of the said city, to be used in said city, subject to the regulations of the said common council, and it shall not be lawful for the said mayor, aldermen and commonalty, or their successors, to demise, sell or convey any part of the last mentioned wood lands to any person whatsoever; and every demise, sale and conveyance thereof by them, shall be void: *Provided always*, That nothing herein contained shall be deemed to impair the rights of the common council from making disposition of such of the common lands on which there shall be no timber, or which shall have been sold, or may hereafter be sold, in pursuance and by virtue of any law of the legislature of this state.

Unimproved wood lands to remain in common subject, etc.
K. & R. v 2
185 § 30

Sales, etc. thereof, void

Proviso, as to lands on which there is no time: [Proposed by the Revisors.]

XXXIV. *And be it further enacted*, That if any of the inhabitants of said city shall hereafter be chosen to the office of alderman, assistant, supervisor, assessor, collector, constable, pound-master or fence-viewer, of said city, and having notice of his said election, shall refuse or neglect to take upon him the execution of his office, it shall then be lawful for the common council of said city to impose upon every such person such reasonable fine as the said common council shall think fit, unless such person shall render to such common council a reasonable and satisfactory excuse before such order shall be made in the premises: *Provided*, such fine do not exceed the sum of twenty-five dollars, upon any one person, to be sued for and recovered in like manner as penalties imposed by any by-law of the said common council are herein directed to be sued for and recovered.

Penalty for refusing to serve in certain offices
K. & R. v 2, 175
§ 16

Proviso
W v 4, 530
Sess 29, c 122,
§ 4

Assessments
on vacant lots
for paving,
etc.
W v 3, 19
Sess 25, c 79
§ 3
6 John Rep 1
7 John Rep
541

Proceedings
to enforce
same

Lots to be
advertised,

and sold at
vendue for the
lowest term of
years

Declaration
of sale

At the end of
term buildings
may be re-
moved

Proviso

A further as-
sessment may
in certain ca-
ses be made
W v 3, 19
Sess 25, c 79,
§ 4

XXXV. *And be it further enacted*, That in case any lots in front whereof the streets shall be directed to be pitched, levelled and paved, or gravelled, or that shall be intended to be benefited by cutting into any drains and sewers, or by altering, amending or cleansing the same, shall be vacant, and the said mayor, aldermen and assistants, or the major part of them, shall make any general regulations in any part of the said first and second wards, for the purposes aforesaid, it shall be lawful for the said mayor, aldermen and assistants, or the major part of them, in case such regulations shall not be complied with, to cause an estimate of the whole expense of conforming to such regulations with respect to each lot which the owner thereof shall refuse or neglect to put in the order thereby required to be made, assessed and certified, by three assessors, to be appointed by the said mayor, aldermen and assistants, and the same being approved of by the said mayor, aldermen and assistants, or the major part of them, they shall cause the same to be advertised in one of the public newspapers printed in the said city, and in one of the public newspapers printed in the city of Albany, for six months, thereby requiring the owners of such lots respectively to pay the sum or sums at which the said lots shall be assessed to the treasurer of the said city, and that if default shall be made in such payment, such lot will be sold at public auction at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum or sums assessed on the same for expense aforesaid; and if, notwithstanding such notice and demand, the owner or owners shall refuse or neglect to pay such assessment, with the costs and charges thereof, and of the advertisement, then it shall be lawful for the said mayor, aldermen and assistants, to cause the said lot to be sold at public auction for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators and assigns, shall, by virtue thereof and by this act, lawfully hold and enjoy the same for his and their own proper use against the owner or owners thereof, and all claiming under him or them until his term therein shall be fully complete and ended, being at liberty to remove all the buildings and materials which he or they shall erect or place thereon, but leaving the ground in sufficient fence and with the street or streets fronting the same, in the order required by the said regulations: *Provided always*, That if after defraying the actual expense of conforming any lot so to be sold for a term of years, to the regulations aforesaid, and deducting all reasonable charges attending the same, a surplus of the purchase money shall remain in the hands of the treasurer of the said city, the same shall forthwith be rendered to the owner or owners of such lot or lots respectively, or his or their legal representatives.

XXXVI. *And be it further enacted*, That if upon the completion of any such regulation, it shall appear to the said mayor, aldermen and assistants, or the major part of them, that a great-
er sum of money hath been *bona fide* expended in conforming

any lot or lots to such regulations than the sum or sums estimated and collected as aforesaid, it shall then be lawful for the said mayor, aldermen and assistants, or the major part of them, to cause a further assessment equal to such excess to be made and collected in manner aforesaid: *And further*, That in case the sum or sums actually expended, shall be less than the sum or sums expressed in such estimate, and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same were collected, or their legal representatives.

Surplus to be returned.

XXXVII. *And be it further enacted*, That the amount of every estimate and assessment to be made as aforesaid, shall be and remain a lien on the lot or lots so estimated from the time of the completion and return of such estimate in manner aforesaid, until paid or otherwise satisfied; and that it shall be lawful for the said mayor, aldermen and assistants, or a major part of them, instead of the remedy herein above provided, if they shall see fit, in case any owner or occupant of any lot within the said city, shall neglect or refuse to conform his lot to such regulations as aforesaid, to conform the same to such regulations at their own expense, and to sue for and recover the amount of that expense from the owners of such lots or their legal representatives, with interest and costs in any court within this state having cognizance thereof, in an action on the case in the name of the treasurer of the said city, for so much money by them paid, laid out and expended for such owners, and the said estimate or assessment, with the proof of the amount and payment of the said expense, shall be conclusive evidence for the plaintiff in every such action.

Assessments to be a lien on the ground assessed.
W. v 3. 19.
Sess 35. c 79
sec 5.

Or amount may be collected by suit.

What to be evidence.

XXXVIII. *And be it further enacted*, That nothing in this act shall affect any agreement between any landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never been made: *And further*, That if any money so to be assessed shall be paid by any person, when by agreement or by law the same ought to have been borne and paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the same with interest and costs of suit in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, with proof of payment shall be conclusive evidence for the plaintiff in such suit.

No agreement between landlord and tenant affected by this act
W. v 3. 19
Sess 25. c 79
see 6
But if party pays assessment who is not bound to do so, he may recover against the party legally bound
What to be evidence

XXXIX. *And be it further enacted*, That every person elected to the office of constable within the said city shall, before he enters upon the execution of said office, and within fifteen days after his election, enter into a bond to the said mayor, aldermen and commonalty, in such penalty and with such surety or sureties as the said mayor, aldermen and commonalty in common council convened, shall direct and approve of, conditioned for the due, regular and faithful discharge of the duties of the said office of constable; and that it shall and may be lawful for any person or persons that may be agrieved by the neglect, omission or refusal of any such constable to return any execution or other final process on the day on which the same ought to have been returned, or to do or perform any other of the duties attached to the

Constables to give bond with surety
Sess 34. c 225
sec 3

In what cases and how enforced

said office, to prosecute for and recover from the said constable and his surety or sureties either jointly or severally, in an action on the case to be brought in any court having cognizance thereof, all such damages as such person or persons may have sustained by reason of the neglect, omission or refusal of any such constable to return any such process, or to perform any other of the duties attached to the said office, in which action if brought against all or either of the sureties of such constable, the production and proof of the execution of the bond entered into by such constable and his sureties to the said mayor, aldermen and commonalty, shall be sufficient evidence of the liability of the sureties therein mentioned to the plaintiff or plaintiffs in any such action for all such damages as may on the trial of such action be proved to have been sustained by the plaintiff or plaintiffs, by reason of the neglect, omission or refusal of any such constable to do and perform any of the duties aforesaid, together with his or their full costs of suit.

What to be
evidence

This act to be
deemed a public
act
K&R. v 2. 185
sec 35
Each ward
considered a
town as to
establishment
of common
schools

XL. *And be it further enacted*, That this act shall be a public act, and be construed in all courts and places benignly and favorably for every beneficial purpose therein intended.

XLI. *And be it further enacted*, That each ward in the city of Schenectady shall be considered as a town within the meaning of the act, entitled "an act for the establishment of common schools," and that the clerk of the said city shall do and perform all the duties required in and by the said last mentioned act.

CHAP. LXXII.—(R.L.)

An ACT relative to the City of Hudson.

Passed April 6, 1813.

[Gr. v. 1. 189, 308, 341, 426.—Ibid. v. 2. 46, 112, 142, 167, 173, 226, 261, 305.—Ibid. v. 3. 41, 114, 115, 355, 447, 486.—Lor. And. sess. 21, ch. 47.—J.&V. v. 1. 229.—Ibid. v. 2. 19, 50, 131, 217, 278, 310, 334, 339, 402, 438.—K.&R. v. 2. 164, 166.—W. v. 4. 490.—W. v. 5. 206.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the district of country contained within the following limits, to wit: Beginning at the channel of the Hudson's river, in the county of Columbia, directly opposite the mouth of the creek commonly called major Abraham's creek, thence to and up the middle of said creek to the place where the Claverack creek empties into the said major Abraham's creek, thence up along the middle of said Claverack creek until the said Claverack creek strikes the line of the manor of Livingston as now held and possessed, thence along the line of the said manor of Livingston to the east side of Hudson's river, thence into the said river one hundred and eighty feet below high water mark, thence to the place of beginning, keeping the same distance of one hundred and eighty feet all along from high water mark aforesaid, shall continue to be a city by the name of Hudson; and that all the freemen of this state, from time to time, being inhabitants thereof, shall be a body corporate, by the name

Bounds of the
city of Hudson
K&R. v 2. 186
§ 1

[Hudson first
incorporated
as a city April
22, 1785,
Gr. v. 1. 189.
Sess. 8, c. 83.
being before a
part of Clave-
rack district.]

of the mayor, recorder, aldermen and commonalty of the city of Hudson, and by that name they and their successors shall be known in law, and be capable of suing and being sued, and of defending, in all courts of law and equity, and in all actions and matters whatsoever, and may have a common seal, and may change and alter the same at their pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That such real estate shall be situated within the limits of the said city.

Corporate name and general rights.

Proviso:

II. *And be it further enacted*, That there shall be the following officers in and for the said city, to wit: one mayor, one recorder, four aldermen, four assistants, one clerk, one marshal, one chamberlain, one supervisor, and as many assessors, collectors and constables, as the common council for the said city shall, from time to time, direct to be chosen.

Officers of the said city.
K. & R. v. 2.
166. § 2

III. *And be it further enacted*, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall annually, during the session of the legislature, or at such time as the said council shall be assembled, next after the first day of May in every year, nominate and appoint, out of the inhabitants of the said city, the said mayor, recorder, clerk and marshal, who shall hold their offices during the pleasure of the said council, and until others shall be appointed and sworn in their stead: but the said marshal shall not continue in his office for a longer period successively than the sheriffs of the several counties of this state; and it shall be the duty of the said marshal to execute all writs and process within the said city which shall issue from the courts and magistrates thereof, in and about the administration of justice therein, in the same manner as the sheriffs of the several cities and counties of this state are by law authorised to do; and the said officers shall continue to be appointed as aforesaid, until the legislature shall otherwise direct.

Mayor, recorder, clerk and marshal, to be chosen by the governor and council.
K. & R. v. 2.
166. § 3.

Duration of office.

Marshal to execute all writs from courts and magistrates of, and within the city

IV. *And be it further enacted*, That the freemen of the said city, being inhabitants thereof, shall, on the first Tuesday of April in every year, at such time of the day and such place, as the said mayor shall appoint, by a plurality of votes elect from among themselves, for the ensuing year, the said four aldermen, four assistants, one supervisor, and such number of assessors, collectors and constables, as the said common council shall direct as aforesaid; which said election shall be superintended and held by the said mayor or recorder; and if any person shall offer to vote at such election, and shall be challenged as not qualified to vote, either by the mayor or recorder, or any other person qualified to vote at that election, the said mayor or recorder shall, before he shall receive such vote, tender to the person so offering to vote, the following oath or affirmation: "I, do solemnly and sincerely swear and declare (or affirm) that I am a natural born, or naturalized, citizen of the United States, above the age of twenty-one years, that I have paid taxes to the city of Hudson, that I now am, and for four months successively next immediately preceding this election, have been an actual resident of said

Elections of corporate officers.
K. & R. v. 2.
166. § 4

Challenges.

Oath of voter,

To be administered by mayor or recorder. City," which oath the mayor or recorder is authorised to administer; and if any person so challenged, shall refuse to take such oath, he shall not vote at such election; and when the said oath shall be taken, the vote of such elector shall be received; and every person who shall be guilty of false swearing, by knowingly and corruptly taking said oath falsely, shall be guilty of wilful and corrupt perjury, and liable to be punished accordingly.

False swearing declared perjury.

Chamberlain how appointed
K. & R. v 2.
266 § 5

V. *And be it further enacted*, That the mayor or recorder of the said city, together with two or more of the said aldermen, and two or more of the said assistants, shall annually on the first Tuesday of April, or within fifteen days thereafter, in their common council, appoint a fit person, being a freeman and inhabitant of the said city, to be the chamberlain of the said city for the year ensuing; and that every person appointed or elected to any civil office within the said city, shall, within fifteen days thereafter, take and subscribe the oath or affirmation, as the case may be, of abjuration or allegiance, now or hereafter appointed by law; and also an oath or affirmation, as the case may be, for the faithful execution of the office to which he shall be so appointed or elected, which said oath or affirmation, together with the certificate of the same, shall, within eight days thereafter, be delivered by the person taking the same to the clerk of the said city.

To take an oath.

Penalty on certain officers refusing to serve.
K. & R. v 2.
266. § 6.

VI. *And be it further enacted*, That if any freeman and inhabitant of the said city shall be elected as aforesaid to the office of alderman, assistant, supervisor, assessor, collector or constable of the said city, and, having notice thereof, shall refuse or neglect to take upon himself such office, it shall be lawful for the mayor or recorder, or any two or more of the aldermen and any two or more of the assistants of the said city in common council, to impose on every person so neglecting or refusing, such reasonable fine as they shall think fit, not exceeding twenty-five dollars, and every such fine shall be levied by distress and sale of the goods and chattels of the delinquent, by warrant signed by the mayor and under the seal of the said city, together with the costs and charges of such distress and sale, rendering the surplus, if any, to the owner, or may be recovered by action of debt in any court within the said city having cognizance thereof, and shall be recovered and received by the said mayor, recorder, aldermen and commonalty, for the use of the said city.

How imposed.

Recorder to act as mayor in case of mayor's absence, sickness or death.
K. & R. v 2. 166 § 7

VII. *And be it further enacted*, That in case of the absence, sickness or death of the said mayor, the recorder of the said city shall be and hereby is authorised to do and perform all the duties and trusts appertaining to the said office of mayor.

Vacancies in certain offices how filled.
K. & R. v 2. 166 § 8

VIII. *And be it further enacted*, That in case of the death or removal out of the said city of any of the aldermen, assistants, supervisor, assessors, collectors or constables, before others be elected in their stead, or in case any person elected to any of the said offices shall not be legally qualified to serve therein, it shall be lawful for the freemen being inhabitants of the said city, as often as may be necessary, to assemble together at such times and places as shall be appointed by the mayor for that purpose, and by plurality of votes to elect others in their stead; and in case of the death or removal of the chamberlain of the said city, it shall

Vacancy in the office of chamberlain

be lawful for the common council of the said city, at any time to appoint another in his stead, and all persons so newly chosen or appointed and sworn, shall serve in their respective offices until others be chosen or appointed and sworn in their stead.

IX. *And be it further enacted*, That every marshal to be appointed as aforesaid, shall, before he enters upon the execution of his office, become bound in the same manner and with the like sureties and under the like penalty for the faithful discharge of the duties of his office as the sheriff of the county of Columbia is or shall by law be required to be bound for the faithful execution of his office; and the said chamberlain, collectors and constables shall respectively give such security for the faithful discharge of the trusts reposed in them, as the mayor, recorder and common council of the said city shall direct and require.

X. *And be it further enacted*, That the mayor, recorder, aldermen and assistants of the said city, whereof the mayor or recorder always to be one, shall be called the common council of the city of Hudson, and they, or the major part of them, shall have power to make by-laws relative to the public markets within the said city, so as such by-laws shall not extend to the regulating or ascertaining the price of any commodity or article of provision which may be brought for sale within the said city; relative to the streets and highways of the said city; relative to nuisances within the limits of the said city; relative to the cleaning of chimnies and protecting the city from fire; relative to the manner of warning the meetings of the said city, and the common council thereof, and the time and place where they shall be holden; relative to a city watch; relative to bonds and securities to be given by constables, collectors, chamberlain or any other officer of the said city, for the faithful discharge of the duties of such officer or officers; relative to the burial of the dead; relative to the public lights or lamps of the said city; relative to the restraining geese and swine going at large within the limits of the said city; relative to the overseeing of the poor, and relative to any thing whatsoever which may concern the good government and police of the said city: *Provided*, That such by-laws be not contrary to, or inconsistent with, the constitution and laws of this state, and shall not continue in force longer than the term of three years; and the said common council may ordain and prescribe such fines and penalties for the breach or non-performance of every of the said by-laws, as to them shall seem proper; which fines and penalties may be recovered by the chamberlain of the said city for the time being, for the use of the said mayor, recorder, aldermen and commonalty, by action of debt, in any court having cognizance thereof.

XI. *And be it further enacted*, That the said common council shall be summoned and held at such times and places in the said city, as the mayor, or in case of his sickness or absence, the recorder of the said city shall appoint, and the said common council shall have power to impose such reasonable fines on the officers or members thereof for not attending the same after due notice given, or summons for that purpose, and without reasonable cause of absence as to the major part of them, shall seem fit, not exceeding two dollars and fifty cents for any one default, to be

filled by the
com. council.

Marshal to
give bond with
security like
sheriff of Col-
umbia.
K. & R. v. 2. 166
§ 9

Chamberlain,
collectors and
constables
likewise to
give bond
with surety.

Powers of the
com. council.
K. and R. v. 2.
166 § 10

Markets.

Streets and
highways.

Fire:
Town meet-
ings and of
com. council.
Watch.
Bonds of offi-
cers.

Burials of the
dead.
Geese and
swine.
Poor.
Police.

Provided.

Fines and pe-
nalties.

How recover-
able.

Com. council
when and
where held.
K. and R. v. 2.
166 § 11

Fines on ab-
sent members
may be impos-
ed.

How recovered. levied, collected and recovered for the use of the said mayor, recorder, aldermen and commonalty in the manner directed by the sixth section of this act.

Powers of com. council as to streets, bridges, etc. K. and R. v.2. 166 § 12. *Provid.* XII. *And be it further enacted,* That the common council of the said city, or the major part of them, shall have power from time to time to order and direct the making and laying out all streets, lanes, alleys, highways, water courses and bridges within the said city, and the altering and amending the same : *Provided,* That in all cases in which the property of individuals shall be affected thereby, except within the limits mentioned in the next section of this act, they shall proceed and conform to the regulations and provisions which now are or may from time to time be prescribed by law to the commissioners of highways in the several counties of this state.

Paving, etc. of streets. K. and R. v.2. 166 § 13. XIII. *And be it further enacted,* That it shall be lawful for the said common council, by ordinance or by-laws for that purpose from time to time to be made, to ordain and direct the pitching, levelling, forming and paving of such of the streets of the said city within the limits designated by Jonas Smith's survey of the compact part of the said city, on file in the clerk's office of the said city, in such manner as to them shall appear most conducive to the public good ; and for the better effecting the same, the said common council shall cause an estimate to be made of the expense of conforming to any such ordinance or by-law, and a just and equitable assessment thereof among the owners or occupants of all the houses and lots of ground intended to be benefited thereby, in proportion, as nearly as may be, to the advantage they shall be deemed respectively to acquire thereby ; and in order that the same may be impartially performed, the said mayor, recorder, aldermen and commonalty, in common council convened, shall from time to time appoint five sufficient and disinterested freeholders for every such purpose, who shall, before they enter upon the execution of the trust reposed in them, be duly sworn before the mayor or recorder of the said city ; to make the said estimate or assessment fairly and impartially according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment being returned to the said mayor, recorder, aldermen and commonalty, in common council convened, shall be binding and conclusive upon the owners or occupants of such houses and lots of ground so to be assessed respectively, and such owners or occupants respectively shall thereupon become and be liable and chargeable, and they are hereby required upon demand to pay to such person or persons as shall be authorised by the said mayor, recorder, aldermen and commonalty, by their resolution or order for that purpose to be made in common council to receive the same, and in default of payment thereof, it shall be lawful for the mayor, recorder and aldermen of the said city, or any three of them, whereof the mayor or recorder always to be one, by warrant under their hands and seals, to cause the said sum or sums of money so assessed to be levied by distress and sale of the goods and chattels of the owners or occupants of such houses or lots of ground so assessed, and refusing or neglecting to pay the same ; rendering the overplus, if any there be, after deducting the sum as-

Estimates of expense to be made and how

Persons making estimates to be sworn.

Estimates to be returned to com. council.

Persons assessed to pay the same.

In default warrant of distress, etc. may issue.

assessed and the charges of distress and sale, to such owners or occupants or their legal representatives : *Provided*, That it shall be lawful for the said mayor, recorder, aldermen and commonalty, in and by any of the said ordinances or by-laws, to direct and establish certain rates at which any labour performed or materials furnished by any such owner or occupant for and towards the completion of such payment, in the manner and in the proportion directed and prescribed in and by any such ordinance or by-laws shall be credited on the said assessment: *And provided also*, That nothing in this act contained shall be construed to affect any contract or agreement that hath been or shall be made between any landlord and tenant respecting the payment of any such charges or repairs, but that they shall be answerable to each other in like manner as if this act had never been made; and that in case any money so to be assessed for the services aforesaid, shall be paid by any person, when by agreement or by law the same ought to have been paid by some other person, then it shall be lawful for the person so paying the same and he is hereby empowered to sue for and recover the same with interest and costs of suit, in any court having cognizance of the same, as so much money paid for the use of the person for whose use the same shall have been paid.

Proviso as to rates of labor etc.

Further proviso as to landlord and tenant.

XIV. *And be it further enacted*, That if upon completing any regulations mentioned in the preceding section of this act, it shall appear to the said mayor, recorder, aldermen and commonalty of the said city, that a greater sum of money has been *bona fide* expended in completing such regulation than the sum mentioned in the estimate so made as aforesaid, and actually collected, it shall and may be lawful for the said common council to cause a further assessment to be made of the sum which such expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners or occupants of all the houses and lots of ground before assessed as aforesaid, and to cause the same to be collected in like manner as herein before directed; and in case the sum actually expended shall be less than the sum expressed in such estimate and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective person or persons from whom the same were so collected and received as aforesaid, or to their legal representatives.

When further assessments may be made K&R v 2, 166 § 14

Surplus to be returned.

XV. *And be it further enacted*, That the common council of the said city, or the major part of them, shall have power from time to time, to establish, license and regulate, so many ferries from the said city to the opposite or western shore of Hudson's river, for the carrying and transporting people, horses, cattle, goods and chattels, across the said river in such manner as to them shall appear most conducive to the public good : *Provided always*, That nothing in this act contained shall be construed to deprive any person whatsoever of the possession or property of the soil on either shore of the said river, nor of any right of ferryage which any person now hath or hereafter may obtain across the said river.

Ferries. K&R. v 2, 166 § 15

Proviso.

Markets.
K&R. v 2, 266
§ 16

Mayor, clerk
thereof, and
water bailiff
of the city.

Porters, carri-
ers, cartmen,
packers, etc.
to be licensed.

Keepers of
house of cor-
rection.

Bridewells,
houses of cor-
rection and
work-houses.
K&R. v 2,
266, § 17

Rogues, vaga-
bonds, etc.

Alms-house

Public gaols
for offenders
K&R. v 2,
266, § 18

Keepers
thereof

Escapes

Gaoler to exe-
cute a bond
to marshal
with surety.

Tavern-keep-
ers, etc. to be
licensed.
K&R. v 2,
266, § 19

XVI. *And be it further enacted*, That the said common-council, or the major part of them, shall from time to time establish and keep one or more markets at such places within the said city as they shall appoint on every day of the week, Sunday excepted, and the mayor of the said city shall *ex officio* be clerk of every such market, and water bailiff for the said city, and have power to execute the duties appertaining to the said offices respectively; and the said mayor, with the advice of the said common council, shall also have power to license and appoint for the said city, by warrant under his hand and seal, or otherwise, one or more porters, carriers, cartmen, packers, common criers, scavengers, surveyors, measurers, guagers, beadles, garblers, bellmen, watchmen and bridewell keeper or keepers of a house or houses of correction, and to discharge the same at pleasure.

XVII. *And be it further enacted*, That the said mayor, recorder, aldermen and commonalty, shall have power to keep and maintain one or more bridewells or houses of correction, and work-houses, and to erect and build others if necessary; and the said mayor, recorder, aldermen, or any one of them, shall have power to take and arrest, or cause to be taken and arrested, all rogues, vagabonds, stragglers and idle and suspicious persons, and to order them, or any of them, to be confined at hard labour in any such work-house, not exceeding thirty days; and the said mayor, recorder, aldermen and commonalty, shall also have power to keep and maintain an alms-house for the relief of the poor, and to erect any other if necessary, and also shall have as full power to direct and regulate all the aforesaid houses and persons to be placed or ordered there as the corporation of any other city in this state are or may be authorised to do by law.

XVIII. *And be it further enacted*, That the said mayor, recorder, aldermen and commonalty, shall keep and maintain one or more public gaols, at such place or places within the said city as the common council or the major part of them shall direct, for the imprisonment and safe keeping of all persons arrested or taken for any crime or misdemeanor, or for any other matter or cause, until they be thence delivered by due course of law, and that the said common council, or the major part of them, shall, from time to time, have power to appoint one or more fit persons to be the keeper or keepers of each of the said gaols, and every of the said keepers shall hold his office during the pleasure of the said common council, and shall receive and keep in such gaol all persons lawfully committed to his custody, until they be thence delivered by due course of law, in the same manner as the sheriffs of the several counties of this state are bound to keep their prisoners in the like cases, and shall be liable for all escapes, in like manner as the said sheriffs are or may be liable by law; and the said gaoler shall execute to the marshal of the said city, a bond in the penal sum of two thousand dollars, with at least two sureties, to be approved by the mayor or recorder, conditioned to indemnify the said marshal in cases of escape.

XIX. *And be it further enacted*, That the mayor, recorder, aldermen and commonalty, of the said city, shall have power to grant licenses annually under the public seal of the said city, to

all such persons as they shall think fit to license to keep a tavern, inn, ordinary or victualling-house, and to sell wine, brandy, rum, strong waters, cider, beer, ale, or any other sort of exciseable or strong liquors, within the said city, by retail or small measure, and that it shall be lawful for the mayor, recorder, aldermen and commonalty, of the said city, to demand and receive for every such license such sum of money and such fee as the commissioners of excise in the several towns of this state are or shall be allowed to take, and shall annually file an account of the monies so received by them with the clerk of the said city, and apply the same to the relief of the poor of the said city.

Fees for licences.

Excise monies to be applied for support of the poor.

XX. *And be it further enacted*, That it shall be lawful for the common council of the said city to determine by resolution such sum or sums of money to be raised as they may think proper and necessary for the purchasing any lot or lots of ground within the limits of the said city, for the purpose of burying the dead, or for erecting a court-house and gaol, alms-house, work-house or house of correction, or for the purpose of the support and relief of the poor within the limits of the said city.

Com. council may purchase ground for a cemetery, etc. K&R v. 2 166 sec. 20

XXI. *And be it further enacted*, That the clerk of the said city shall be the clerk of the mayor's court of the said city, and perform all the duties of clerk of the said court, and be entitled to demand and receive all the fees and perquisites belonging to the said office.

Clerk of the mayor's court K&R v. 2 166 sec. 22

XXII. *And be it further enacted*, That the said clerk, marshal, constables, gaol-keepers, and all other subordinate officers in and for the said city, shall attend the said mayor's court as often as shall be requisite, and obey and perform all the duties of their respective offices, as well when required by the said mayor's court or any judge thereof as otherwise, and the said marshal and other ministerial officers of the said city shall execute and return all the writs and process of the said court, directed to them respectively in the same manner as the sheriffs and other officers of any court of record in this state.

Clerk, marshal, etc. to attend mayor's court K&R v. 2 166 sec. 23

To execute and return process, etc

XXIII. *And be it further enacted*, That every free male person of the age of twenty-one years or upwards, being a citizen of the United States or of this state, and who shall have paid taxes in the said city, shall be entitled to vote at any of the charter elections therein: *Provided always*, That such person, at the time of such election, shall be an inhabitant within the limits of the said city, and shall have so inhabited the same for the space of four months successively next immediately preceding such election.

Qualifications of voters at elections K&R v. 2 166 sec. 24

Proviso

XXIV. *And be it further enacted*, That it shall and may be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson, in common council convened, or the major part of them, to nominate and to appoint a sufficient number of men, (willing to accept) not exceeding twenty, to every fire engine now provided or hereafter to be provided for the use of said city, out of the inhabitants being freeholders or freemen of the said city, to have the care, management, working and using the said fire engines, and the other tools and instruments now or hereafter to be provided for extinguishing fires within the said city.

Firemen K&R v. 2 166 sec. 1

Duties

which persons, so to be nominated and appointed as aforesaid, shall be called the Firemen of the city of Hudson, who are hereby required to be ready at all times, as well by night as by day, to manage, work and use the said fire engines and other the tools and instruments aforesaid.

Privileges and
exemptions of
firemen
K&R v 2 164
sec 2

XXV. *And be it further enacted*, That each of the persons so to be nominated and appointed a fireman, shall, during his continuance in office, be exempted from serving in the office of constable, and from being impannelled upon any jury or inquest, (except in the mayor's court in the said city) and for this purpose the name of each fireman to be appointed by virtue of this act, shall be entered with the clerk of the said city, and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption and privilege: *And further*, That the said mayor, recorder, aldermen and commonalty, in common council convened, or the major part of them, shall have power from time to time to remove any firemen so to be appointed and others to appoint in the stead of those removed when and as often as they shall think proper: *And further*, That it shall be lawful for the said mayor, recorder, aldermen and commonalty, or the major part of them, in common council convened, to make, establish and ordain such rules and regulations for the government, duty and behaviour of the persons so to be appointed firemen as aforesaid, in the working and frequent using and trying the said fire engines, tools and instruments, and to impose such reasonable fines and penalties upon such firemen, or any of them, for default in performing the duties thereby to be enjoined or required from them as they from time to time may think proper.

Names of
firemen to be
registered by
the clerk

Removal of
firemen and
appointment
of others

Rules and re-
gulations for
firemen, etc

Fines

Marshal and
constables to
attend at fires
K&R v 2 164
sec 3

XXVI. *And be it further enacted*, That upon the breaking out of any fire within the said city, the marshal and constables then being in the said city, upon notice thereof, shall immediately repair to the place where such fire shall happen, with their staves and other badges of authority, and be aiding and assisting as well in extinguishing the said fires as in preventing any goods from being stolen, and also in removing and securing the same, and in the execution of the duties required of them by this act, shall in all respects be obedient to the mayor, recorder and aldermen of the said city, or such of them as shall be present at any such fires.

To obey the
mayor, etc
while at such
fires

Fire buckets
K&R v 2 164
sec 4

XXVII. *And be it further enacted*, That it shall be lawful for the mayor, recorder, aldermen and commonalty of the said city, or a major part of them, in common council convened, to direct and require the inhabitants or owners of dwelling houses and other buildings in the said city, to provide themselves with such and so many fire buckets to be ready in such houses and buildings for the purpose of extinguishing fires, and to impose such reasonable fines and penalties for disobedience thereof as they shall think proper.

Fines

Tax for light-
ing lamps &c.
W v 5 206
Secs 30 & 157
sec 2

XXVIII. *And be it further enacted*, That the mayor, recorder, aldermen and commonalty of the city of Hudson, in common council convened, shall have power, and they are hereby authorised and empowered to order the raising annually a sum not exceeding in any one year one thousand dollars, by a tax on the real and per-

sonal estate of the freeholders and inhabitants within the said compact part of said city, for defraying the expense of a night watch, the lighting of lamps, and other contingent expenses within said limits; and a further sum annually, not exceeding in any one year seven hundred dollars, by a tax on the real and personal estate of the freeholders and inhabitants of the corporation at large for defraying the contingent expenses of said city.

XXIX. *And be it further enacted*, That all entries and records of deeds and mortgages made before the sixth day of April, one thousand eight hundred and seven, in the clerk's office of said city, be and the same are hereby confirmed: *Provided nevertheless*, That no mortgages, heretofore recorded in the clerk's office of the county of Columbia, shall be injured or otherwise affected by this act: *And provided further*, That nothing in this act contained shall be so construed as to authorise the practice or right of the clerk of the said city to record deeds and mortgages.

Records of certain deeds, etc. declared valid
W v 5 206
Sess 30 c 157
sec 3

XXX. *And be it further enacted*, That the public monies from time to time to be raised and collected by tax for the use of the city of Hudson, shall be paid by the collectors thereof into the hands of the chamberlain of the said city.

Public monies to be paid to the chamberlain

XXXI. *And be it further enacted*, That this act shall be deemed a public act, and shall be construed benignly and favorably for every beneficial purpose therein intended.

This act declared to be a public act
K & R v 2 175
sec 25

CHAP. LXXXV.—(R.L.)

An ACT concerning the Mayor's Courts in the cities of Albany and Hudson, and the Mayor's Court and General and Special Sessions of the Peace in the city of New-York.

Passed April 9, 1813.

[Br. ed. 9. 109—V.S. v. 1. 169—J.&V. v. 2. 18, 50, 127, 278, 402, 438—Gr. v. 1. 195, 271, 308, 341, 421, 422—Ib. v. 2. 112, 226, 261—Gr. v. 3. 401. K.&R. v. 1. 302, 305, 393—W. v. 3. 188—Ib. v. 4. 329—Ib. v. 5. 502—Sess. 34. c. 202—Sess. 35. c. 184.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the mayor, recorder and aldermen, of the city of New-York, the mayor, recorder and aldermen, of the city of Albany, and the mayor, recorder and aldermen, of the city of Hudson, or the mayor and recorder of the said respective cities jointly, or either of them singly, with or without the presence of any of the aldermen of the said respective cities, shall have power to hold the courts of common pleas called the mayor's courts of the said cities respectively, any law, charter or usage to the contrary notwithstanding: *Provided*, That nothing herein contained shall be construed to preclude any of the aldermen of the said cities respectively from sitting as judges of the said respective courts; and in case of the sickness, death or absence of the mayor and recorder of either of the said cities of Albany or Hudson, it shall be lawful for any three of the aldermen of the said cities to hold the said mayor's court of the respective cities of Albany and Hudson.

Mayor's courts of New-York, Albany and Hudson, before whom to be held
K & R v 1. 393
sec 1
Charter of Albany, July 22d 1686
Charter of N. York, dated April 22, 1686.
Both charters granted a mayor's court
Br. ed. 9. 109
V.S. v 1. 169
Hudson incorporated by law April 22, 1786, and a mayor's court then granted
Gr. v 1. 195
sec 30
Schenectady has no mayor's court

Mayor's court of Albany held the first Tuesday of every month, etc.

K&R. v 1. 393 § 2

And of Hudson on last Tuesday of every month. Seals of the mayors courts of New York, Albany and Hudson to continue as such

K&Rv1.395§7

Powers and jurisdiction of mayor's courts of Albany and Hudson

K&R v 1. 395 § 8

Carth. 11, 2

Ed. R. m. 795

Roll. Abr. 494

545, 795

6 Mod. 23

2 Inst. 231

Sid. 87, 151, 342

Lev. 50, 96, 104

Baym. 75

Jones 230

Vent. 23

Salk. 404

Powers and jurisdiction of mayor's court of New York

3 Chines's

Reports 38—3

John. Rep. 152—Proviso, as to new trials requiring one of the judges assenting thereto to be a counsellor at law of the supreme court—1 John. ca. 179—2 John. Rep. 371—4 John. Rep. 136.

Mayor's court of New York to be held on the third Monday of every month and each term may continue till Saturday in the second week

W. v 4. 329.

Sess 29. c 11

§ 1.

Records and proceedings to be "before the judges, etc." and not "the mayor, etc."

K&R. v 1. 394

§ 3.

Writs how directed to such courts.

First motion, fees payable to the recorder of either city when writ issued.

W. v 3. 188.

Sess 25. c 119.

sec 44.

II. *And be it further enacted*, That the said mayor's court of the city of Albany shall be held on the first Tuesday of every month, and that the terms thereof shall be and hereby are extended to three days inclusive; and the said mayor's court of the city of Hudson shall be held on the last Tuesday of every month, and the terms thereof may continue to be held two days inclusive.

III. *And be it further enacted*, That the seals of the said mayor's courts of the cities of New-York, Albany and Hudson already devised and made, shall continue to be the seals of the said courts respectively.

IV. *And be it further enacted*, That the mayor's courts of the said cities of Albany and Hudson, shall be, and they are hereby authorised and empowered to hear, try and determine, according to law, all actions, real, personal and mixed, arising within the said cities, or within the jurisdiction of the said courts respectively and not elsewhere; and that the mayor's court of the said city of New-York shall be and hereby is authorised and empowered in like manner to hear, try and determine according to law all actions real, personal and mixed, arising within the said city, and also all transitory actions although the same may not have arisen therein; and the said courts respectively are hereby empowered to grant new trials in all cases where they shall find it necessary and proper: *Provided*, That no new trial shall be granted otherwise than for irregularity, unless one of the judges present and concurring, shall be of the degree of counsellor at law in the supreme court of this state.

John. Rep. 152—Proviso, as to new trials requiring one of the judges assenting thereto to be a counsellor at law of the supreme court—1 John. ca. 179—2 John. Rep. 371—4 John. Rep. 136.

V. *And be it further enacted*, That the court of common pleas entitled the mayor's court of the city of New-York, shall be held on the third Monday of every month, and that the terms thereof may continue and be held from the time of the commencement, every Sunday excepted, until and including Saturday in the second week thereafter; and the terms of the said mayor's court of the cities of New-York, Albany and Hudson shall respectively be called after the different months of the year in which they are respectively held.

VI. *And be it further enacted*, That in the records and proceedings of the mayor's courts of the cities of New-York, Albany and Hudson, "judges of the said court" shall be inserted instead of the "mayor, recorder and aldermen of the said cities;" and all writs and process issuing out of, or returnable before the judges of the same courts respectively, and all writs directed to the same courts shall be directed to the judges of the court of common pleas called the mayor's court in and for the city of New-York, or the city of Albany, or the city of Hudson, as the case may be.

VII. *And be it further enacted*, That from and after the passing of this act, the sum of seventy-five cents directed to be paid to the recorders of the said respective cities, on each suit to be commenced in the mayor's courts of the said cities respectively, shall be paid at the time of issuing the first writ in such suit.

VIII. *And be it further enacted*, That the mayor, recorder and aldermen of the said city of New-York, or any three of them, of whom the mayor or recorder shall always be one, shall have power to hold courts of general sessions of the peace in the said city and county; and such courts of general sessions of the peace, shall commence and be held on the first Monday in every month, and may continue and be held every day, (Sunday excepted) from the commencement thereof until, and including Saturday in the second week thereafter.

General sessions of New-York, before whom and when to be held.
K and R. v. I
394. sec. 4.
Sess 31. c. 202
sec. 1.

IX. *And be it further enacted*, That it shall be lawful for the courts of general sessions of the peace in and for the city and county of New-York, to inquire by the oaths of good and lawful men of the same city and county, by whom the truth may be the better known, of any treasons, misprision of treason, murder or felony, and of all other crimes and misdemeanors whatsoever, done or committed in the said city and county, and the same crimes and misdemeanors (cases affecting life only excepted) to hear, determine and adjudge in as full and complete a manner as any court of oyer and terminer and gaol delivery for the said city and county, might or could hear, determine and adjudge: *Provided nevertheless*, That it shall not be lawful for the said courts of general sessions of the peace in and for the said city and county of New-York to hear or determine any indictment for any crime punishable with imprisonment in the state prison for life, unless the mayor or recorder presiding in such court shall be of the degree of counsellor in the supreme court of this state of at least three years standing.

Powers of the general sessions of New-York.
K and R. v. I
302 sec. 1.

Proviso.
W. v. 5. 502.
Sess 32. c. 139
sec. 4

X. *And be it further enacted*, That the said court of general sessions shall send all indictments of or for any felony or crime punishable with death, and all other indictments not triable in the said court according to the provisions of this act, and also all indictments against prisoners in gaol which shall not have been heard or determined, to the next court of oyer and terminer and gaol delivery, to be held in the said city and county; and whenever the said indictments so sent to any court of oyer and terminer and gaol delivery shall not be tried therein, but shall be remitted back to the court from which they came, it shall be lawful for the said court to proceed thereon, provided it has jurisdiction of the case.

Sessions of N. York to send indictments not tried to the oyer and terminer, and so e converso.
Vide ut supra.

XI. *And be it further enacted*, That it shall be the duty of two of the aldermen of the said city, to attend as judges of the said court when notified and required for that purpose by the mayor or recorder, and it shall and may be lawful for the common council to provide a suitable compensation for their attendance.

Aldermen when to attend the sessions in New-York.
Sess. 34. c. 202
sec. 2

XII. *And be it further enacted*, That in case of the prevalence of any pestilence or public calamity in the city of New-York, or in case any other cause should render it necessary, it shall and may be lawful for the mayor, or in his absence or sickness the recorder of the said city, by a proclamation under his hand and seal, to be published in two or more of the newspapers printed in the said city, to direct the holding of the mayor's court and court of general sessions of the peace, respectively upon the days appointed by law for the meeting thereof, at such place or places within the city and county of New-York other than the City-Hall, as

In case of pestilence, etc. in N. York sessions how to be removed.
W. v. 4. 329
Sess. 29. c. 14
sec. 3

Notice how given.

When sessions
or mayor's
court of New-
York are not
formed for
want of their
members, clerk
may adjourn
therein.
Sess. 34. c. 202
sec. 5

Proceedings
to be continu-
ed.

Powers of the
special ses-
sions of New-
York.
K. and R. v. 1.
305, sec. 9

Mayor, re-
corder and al-
dermen, or 3
of them (may-
or or recorder
to be one) to
form such
court.

Judgment,
such court
may give.

If offender
not inhabi-
tant, he may
be sent to his
place of set-
tlement or
abode.
Punishment
in case he re-
fuse, or in
case he return
again.

Judgments of
such court to
be executed
by sheriff of
N. York on a
warrant from
mayor or re-
corder
K. and R. v. 1.
Vo, sec 10

may be considered most safe and proper for such purpose; and in case the said mayor's court or court of general sessions of the peace shall not be formed at any time by reason of the non-attendance of all or any of the judges thereof, either at the usual place of holding the same or at such other place as shall be directed by the proclamation of the mayor or recorder in the cases herein provided for, it shall then be lawful for the clerk of such court to adjourn the same from day to day or until the next term, and all process, recognizances and other proceedings, shall be continued over accordingly.

XIII. *And be it further enacted*, That every person who shall commit any petty larceny, misdemeanor, breach of the peace or other criminal offence under the degree of grand larceny within the city and county of New-York, and being charged on oath before the mayor, recorder, one of the aldermen or any special justice or other justice assigned to keep the peace of the said city, with having committed any of the offences aforesaid, shall not forthwith give good and sufficient bail to appear and answer at the next court of general sessions of the peace to be held in and for the said city and county, such person shall be committed to gaol; and in case such person shall not give bail as aforesaid within forty-eight hours after being so committed, it shall then be lawful for the mayor, recorder and aldermen of the said city, or any three of them, of whom the mayor or recorder to be one, forthwith to hear and determine the offence committed by such offender; and the said offender being convicted by confession or the oath of one or more credible witnesses, it shall be lawful for the said court of special sessions so assembled, or the major part of them, to give judgment against such offender that he pay a fine not exceeding twenty-five dollars and be confined not exceeding six months in the house of employment or bridewell of the said city at hard labor, or at any other work or employment within any part of the said city, or either of the punishments as in the judgment of the said court shall be most proper; and the said offender having paid the fine and remained his term of imprisonment, or either, as the case may be, shall be immediately discharged without paying any fees if an inhabitant of the said city, but if not, such offender shall be immediately ordered or transported out of the city to his last mentioned place of settlement or abode if known; and if any person so ordered or transported shall remain in the said city for forty-eight hours, or return thereto within six calendar months after such order or transportation, he shall be again fined as aforesaid or confined as aforesaid not exceeding three months as the said court shall order.

XIV. *And be it further enacted*, That the judgments and orders of the said court shall be executed by the sheriff of the said city and county by virtue of a warrant under the hand and seal of the mayor or recorder who presided, commanding the same to be done, and that the charges of prosecuting and punishing every such offender shall be raised at the same time and in like manner as the other contingent expenses of the said city and county, so as the same do not exceed two dollars and fifty cents.

XV. *And be it further enacted,* That no mesne process issuing out of any of the mayor's courts and delivered to the sheriff or other proper officer for service at any time during term, shall be served by such sheriff or other officer, unless the same shall be made returnable at the term next thereafter; and no process in any such mayor's court shall be tested and made returnable during the same term.

Process out of any mayor's courts not to be served if delivered in and returnable the same term.
K. and R. v. l. 393, sec. 12

XVI. *And be it further enacted,* That in case any mayor's court shall not be formed and held at the time the same shall be required by law, or at the time to which it shall have been adjourned, it shall be lawful for any judge or for the clerk thereof, to adjourn the same from day to day until a court shall be formed or until the next term, but no adjournment of any mayor's court before the end of its term shall affect or prejudice the teste, return or service of any writ or process issued prior to such adjournment: *And further,* That any affidavit which shall be taken before a judge of the supreme court, or before any clerk of any county, shall be of like force and effect in any mayor's court as if taken before a judge of such mayor's court.

If any mayor's court be not formed for want of members, the judge or clerk attending may adjourn.
K. and R. v. l. 393, sec. 11

XVII. *And be it further enacted,* That it shall be lawful to alledge any diminution, or defect, or variance, or the want of any process or proceedings upon any writ of error brought upon any judgment had in any such mayor's court, and thereupon to proceed as in like cases upon error brought from the supreme court: *And further,* That it shall be sufficient in any record of judgment in any such mayor's court, to enter the declaration immediately after the *placita* or caption; and if no plea shall be had of the same term, it shall be lawful to enter an imperlance down to the time of issue joined or judgment had; and in cases where issue shall be joined, it shall be unnecessary to continue the same from term to term, but it shall be sufficient to enter a general continuance upon the record in form following, to wit: "and hereupon the process thereof is continued between the parties aforesaid of the plea aforesaid in this same court until (the term when the same issue shall be tried or some rule or order made concerning such cause, or the trial, if any such, shall be made;)" and the caption or *placita* of any record of judgment or recognizance in any such mayor's court, shall be in form following, to wit: "Pleas in the court of common pleas called the mayor's court, held at (such place where the same shall be actually held) in and for the said city before the judges of the same court, on (such day as the process against the defendant in such cause shall be returnable and returned served;)" and it shall be unnecessary to insert the names of any mayor, recorder or aldermen, in any such records or in any proceeding entered thereupon, nor the authority by which such court shall be held.

A judge of the supreme court or clerk of a county may take affidavits to be read in any mayor's court.

Diminution may be alledged on writ of error from any mayor's court.

K. and R. v. l. 400, sec. 17
3 John. Rep. 141—9 Ib. 297
Form of judgments in mayor's courts.
K. and R. v. l. 399, sec. 10

General continuance.

Caption or placita.

XVIII. *And be it further enacted,* That writs of subpoena issued out of any mayor's court, shall be binding and obligatory upon any witness duly served therewith who may reside or be within this state, in like manner as if such writs had been issued out of the supreme court; and such mayor's court shall have power to enforce obedience to such subpoena by attachment to be directed to any sheriff or other proper officer of any city or county

Subpoenas out of any mayor's court may be served in any part of this state.
K. and R. v. l. 399, sec. 14
And attachments on disobedience may issue, etc

All writs to be under seal

Witness not attending on subpoena may also be sued

Mayor, recorder or any alderman being a counsellor at law may grant orders in vacation in proceedings in the mayor's court in like manner as a judge of the supreme court in the supreme court Special justices in N. York may take acknowledgments of satisfaction of judgments in mayor's court of said city Sess 34 c 202 §4 Sess 35 c 184 §8 Special justices may sit, when required, in the general sessions of New-York

in this state, who shall be subject to all the pains and penalties for not serving or returning the same in like manner as if the same had issued out of the supreme court, and the like orders, rules, process and proceedings may be issued and had thereupon in the said mayor's court as are usual in like cases in the said supreme court and with like effect; and all writs issued out of the said mayor's court shall be under the seal thereof, and may be issued in any suit or proceeding had or to be had or pending in any such court: but nothing in this section contained shall prevent any suit to be brought against any witness for disobeying such subpoena in like manner as if this section had not been passed, but every such witness shall be liable to an action therefor as is now provided by law.

XIX. *And be it further enacted*, That it shall be lawful for the mayor, or recorder, or any alderman, being of the degree of attorney at law of the supreme court of this state, to make any order in vacation touching or concerning any suit or proceeding had in any mayor's court whereof he or they are judges as shall be equitable and just, in like manner as is now practised by the justices of the supreme court at chambers concerning any suit or proceeding in the said supreme court.

XX. *And be it further enacted*, That it shall be lawful for the special justices, for preserving the peace in the city of New-York, respectively to take the acknowledgment of satisfaction of any judgment rendered in the mayor's court of the said city in like manner and with like effect as any judge of said court might or lawfully could: *And further*, The said special justices shall, *ex-officio*, be judges of the court of general sessions of the peace in and for the said city and county of New-York, and shall, when required by the mayor or recorder thereof, attend and act in that capacity at such courts.

CHAP. CIV.—(R.L.)

An ACT declaring the Powers and Duties of Justices of the Peace.

Passed April 13, 1813.

[K&R. v. 1. 302.]

Justices of the peace to be appointed in each county, and their general powers K&R v 1 303 sec 5
1 Inst. 174 175
4 Ed 3 c 2
28 Ed 3 st 2 c 2
34 Ed 3 c 1
1 Ann c 8
13 R 2 c 7
2 H 5 st 1 c 4
and st 2 c 1
Burns' justice
2 Salk 475
2d c 11

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in every county of this state fit and discreet men shall from time to time be appointed and commissioned justices to keep the peace in the same counties respectively, who shall have power jointly and severally to cause to be kept all laws made for the preservation and good of the peace, and to cause to come before them, or any of them, all persons who shall break the peace, and to commit them to gaol, or to bail them as the case may require; and also to cause to come before them all persons who shall threaten to break the peace, or who be not of good fame, to find sufficient security for the peace or for their good behaviour, or both as the case may require; and, if they refuse to find such security, to commit them to prison.

until they shall find the same, and every recognizance so taken for the keeping of the peace or for good behaviour, shall be certified and sent or brought by the justice taking the same, to the next court of general sessions of the peace for the county in which he is a justice, to the end that the party bound may be called, and if he make default that the same may be recorded, and the recognizance, with the record of the default, sent and certified into the exchequer.

II. *And be it further enacted*, That every justice of the peace before whom any person shall be brought for any treason or felony, or for suspicion thereof, before he commit such person to gaol, shall take the examination of such prisoner and the information of those who bring him, relative to the fact, and the same, or so much thereof as shall be material to prove the offence, shall be put in writing by the said justice within two days after the said examination, and he shall bind by recognizance all the material witnesses against such prisoner to appear and testify at the next court having cognizance of the offence, and where the prisoner ought to be tried, and shall certify the recognizances, together with the said examinations so reduced to writing, under his hand, into the said court where such witnesses are bound to appear on the first day of the sitting thereof; and if any justice of the peace shall refuse or neglect to take the examinations and recognizances, or to certify the same as aforesaid, the said court into which the same ought to have been so certified shall, upon due proof by examination before them, impose such fine upon every justice so refusing or neglecting as to the said court shall seem meet.

III. *And be it further enacted*, That any two justices of the peace jointly out of sessions may, by their discretion, let to bail prisoners arrested and in gaol in their respective cities and counties charged on suspicion of felony to appear at the next court having cognizance of the offence, and where the prisoner ought to be tried, and the said justices or one of them, when any such prisoner shall be brought before them, shall take and certify into the said court his examination and the information of those that bring him, and the recognizances of the material witnesses in like manner as is directed in the preceding section, and the said court shall have like power to fine any justice of the peace for his refusal or neglect in the premises.

IV. *And be it further enacted*, That if any petty larceny, misdemeanor, breach of the peace, or other criminal offence under the degree of grand larceny, be committed within any of the counties of this state (the city and county of New-York excepted) and the person charged therewith on oath before any justice of the peace shall not forthwith give good and sufficient bail to appear and answer at the next court of general sessions of the peace to be held in and for the said county, such person shall be committed to gaol or to the custody of a constable of the town where the said offender was taken, and in case such offender shall not give bail as aforesaid within forty-eight hours after being so committed, it shall then be lawful for the justice by whom he was committed to certify the cause thereof to any other two justices of the said county and require them to associate with

Justices to take examinations of felons in writing, bind over witnesses and return recognizances, etc
K&R v 1 304 sec 6
102 Ph & M c 13
Dalt c 11
2 Hawk P C c 13 sec 15
4 Inst 176
2 Hale's P C 108, 110

General sessions or two justices may bail offenders on suspicion of felony
K&R v 1 304 sec 7
2 Inst 109, 176
3 H 7 c 3
182 Ph & M c 13 § 3
Jacobs' law dict.—Bail.

Special sessions constituted, and their powers
K&R v 2 305 sec 9
4 John Rep 592

him to try such offender, which they are hereby required to do; and the said justices being met are authorised to hear and a majority of them to determine the offence, and the said offender being convicted by confession or the oath of one or more credible witnesses, to impose a fine not exceeding twenty-five dollars, or imprisonment in the common gaol of the county not exceeding six months, or both, as the case may require; and the said offender having paid the fine, remained his term in imprisonment, or both as the case may be, shall be forthwith discharged without paying any fees if an inhabitant of the said county, but if not such offender shall be immediately ordered or transported out of the said county to his last place of settlement or abode if known; and if any person so ordered or transported shall remain in the said county for forty-eight hours, or return thereto within six calendar months after such order or transportation, he shall be again fined as aforesaid, or confined as aforesaid, not exceeding three months, as any three justices of the county, or a majority of them, shall determine: *Provided*, That nothing herein contained shall be construed to prevent the justices, when met, to hold the said court of special sessions, from trying any such offender in less than forty-eight hours, if such offender shall require the same.

Proviso

Sentences,
how executed,
and expenses
how defrayed.
K & R. v 1,
306, § 10

V. *And be it further enacted*, That the judgments and orders of the said court shall be executed by the sheriff and constables of the said county by virtue of a warrant under the hands and seals of the said justices who held the same, or a majority of them, commanding the same to be done, and that the charge of prosecuting, punishing and transporting every such offender shall be defrayed by the counties respectively where the offence shall happen, and be raised in like manner as the other contingent charges of the county, so as that all the charges for each offender shall not exceed five dollars; and all fines imposed by the said court shall, when paid, be applied towards payment of the charges of the prosecution, and the remainder, if any, paid into the treasury of the county.

Mayor, recorder and aldermen, of N. York and Albany, to have powers of justices.
K & R. v 1
305, § 8

VI. *And be it further enacted*, That the mayor, recorder and aldermen, of the cities of New-York and Albany, and each of them, shall have the like powers in the said cities as are herein before given to justices of the peace: *Provided however*, That all recognizances and examinations taken as aforesaid in the said city of New-York, shall be returned into the police office of the said city, instead of being returned to the sessions.

Justices not compelled to issue warrants for assaults, etc. unless their fees are first paid.

VII. *And be it further enacted*, That no justice of the peace shall be obliged to issue any warrant on any complaint for a trespass or assault and battery, or either of them, unless the person making such complaint and requiring such warrant, and every person recognized as principal before any such justice for said offences shall pay the fees to the justice for taking such recognizance.

Supervisors not allowed to audit justices accounts for such warrants, etc.

VIII. *And be it further enacted*, That no board of supervisors shall audit and allow any account in favor of any justice of the peace for any process or proceedings on any such complaint as is mentioned in the preceding section of this act.

CHAP. LII.—(R.L.)

An ACT for the Assessment and Collection of Taxes.

Passed April 5, 1813.

[Br. ed. 89, 90, 97, 103, &c.—S.&L. v. 1. 47, 117, 296, 312, 342.—Ib. v. 2. 206, 209.—V. S. v. 1. 46, 102, 227, 243, 353, 451, 388, &c.—Ib. v. 2. 500, 539, 573, &c.—J.&V. v. 2. 340, 448, 449.—Gr. v. 2. 174, 180.—K.&R. v. 1. 335, 547.—W. v. 3, 59, 621, 347.—Ib. v. 5, 152, 368, 514.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the taxes hereafter to be levied in this state, shall be assessed, levied and paid in the manner hereinafter mentioned, upon a valuation of real and personal estates, to be made as hereinafter prescribed.

Taxes to be laid on real and personal estate.
1 *Caines' Rep.* 92

II. *And be it further enacted,* That the assessors of each town and ward, may distribute their towns or wards, by mutual agreement, into such number of divisions, to be called assessment districts, as they may deem convenient, not exceeding the number of assessors in such town or ward, and shall, in every year, between the first day of May and July, ascertain according to the best evidence in their power, and set down in their assessment roll the value of houses and lands in such town or ward, owned or possessed by any person residing in such town or ward, opposite to the name of such person; and shall also ascertain and set down, in their said assessment roll, in like manner, the value of the personal estate of every such person over and above all debts and demands against such person; and in case any person not satisfied with such valuations, shall make oath, before such assessors or either of them, who are hereby authorised to administer such oath, that the value of his or her real or personal estate does not exceed a certain sum, specifying the same, then, and in every such case, the assessors shall value such real and personal estates at the sums specified in such affidavit, and no more; and every person liable to be taxed for any personal estate as aforesaid, shall be taxed for the same in the town or ward where such person shall reside at the time of making the said assessment; and the assessors shall also ascertain what lands are situate in their town or ward not owned by persons residing in such town or ward, and shall, in their assessment rolls, separate from the assessments made of the estates of residents, specifically designate all such lands, in the following manner: If the estate be a township, a patent or tract of land, of the subdivision of which the assessors cannot obtain correct information, they shall enter the name of township, patent or tract, if known by any particular name, without regarding who may be the owner thereof; and if such tract be not known or designated by any particular name, they shall state by what other lands the same is bounded, and shall set down the quantity of land contained therein, and the value thereof in the proper columns for the purpose; and if any such township, patent or tract, be divided or sub-divided into lots, and the assessors can obtain a map or any correct information of such sub-divisions, they shall put down all

Towns and wards to be divided into assessment districts, and duty of the assessors.
[See page 135, § 22—and also, Sess. 36, ch. 203, § 31]

Persons assessed may reduce the same by taking an oath

Assessors how to proceed as to lands.

LAWS OF NEW-YORK,

The lots therein so owned in numerical order, with the quantity of land contained in each, and the value of each, in order that they may be taxed separately; and in case that only a part of any such lot shall be so owned, they shall place the number of the lot in its proper place in the series, and then designate particularly the part, and set down the quantity of land contained therein, and the value thereof; and the assessors shall complete their said assessments on or before the first day of July in every year, and make out one fair copy thereof, to be left with one of their board, and thereupon cause notices to be put up at three or more public places in their town or ward, setting forth that they have completed their assessments, and that a copy thereof is left with one of them, naming him, where the same may be seen and examined by any of the inhabitants during ten days; and that at the expiration of the said ten days, they meet on a certain day, at a place in the said notice to be specified, to review their said assessments, on the application of any person conceiving himself agrieved; and it shall be the duty of the said assessors, with whom the said assessment roll shall be left as aforesaid, during the said ten days, to submit the said roll to the inspection of any person who shall apply for that purpose; and at the said time and place, the said assessors shall meet, and on application of any person conceiving himself agrieved, shall review the said assessment, and may alter the same, on sufficient cause being shewn to the satisfaction of the said assessors, or a majority of them; and the assessors, or a major part of them, shall then sign the said assessment roll, and deliver the same on or before the first day of August in every year, to the supervisor of their respective towns (except in the city and county of New-York, where the same shall be delivered to the clerk of the said city,) who shall deliver the same to the board of supervisors at their next meeting, and the supervisor or clerk, to whom such assessment roll shall be delivered by the assessors, shall, after the same has been examined and corrected as is hereinafter mentioned, cause a fair copy thereof to be made, and deliver such copy, or the corrected original, to the clerk of such city or town, who shall deposit the same in his office, for the use of the assessors of such city or town the succeeding year.

III. *And be it further enacted*, That the first valuations of real estates to be made in pursuance of the last preceding section of this act, when the same valuations shall be revised and approved by the board of supervisors of the respective counties where they shall be made, as hereinafter directed, shall be considered the true valuation of real estates within this state, and shall not thereafter be varied, except where the value of any shall be increased by the erection of houses, or by any other improvements, or where the value of any may be decreased by the destruction of any erections.

IV. *And be it further enacted*, That the supervisors in the several counties of this state shall, on the first Tuesday of October next, meet together at the places established by law for their meeting, and shall examine the assessment rolls of the several towns in their respective counties, with a view to ascertain whe-

Assessments when to be completed, and notice thereof to be given

Assessment rolls, how disposed of.

Parties agrieved to assessors.

First valuations under this act to govern subsequent ones.

Supervisors when to meet in each county, and their duty under this act.

ther the valuations in one town bear a just relation or proportion to the valuations in all the towns in the county, and may, in their discretion, add to or deduct from the valuations in any town, such a per centum as may, in their opinion, be necessary to produce a just relation between all the valuations of real estates in the county; and it shall be the duty of said board of supervisors to make such alterations, if any be necessary, in the descriptions of the unseated lands, as to render such descriptions conformable to the provisions of this act; and if they cannot make such alterations, they shall expunge such assessments from the assessment rolls; and they shall, at their first meeting in October, or before the first day of November thereafter, estimate and set down in the column left for that purpose, opposite to the several sums set down as the value of the real and personal estates in the assessment rolls, the respective sums in dollars and cents, rejecting the fractions of a cent, in all cases where they occur, to be paid as a tax thereon; and shall also add up and set down the aggregate value of the real and personal estates in the several towns and wards, and shall direct their clerk to make out and transmit to the comptroller of this state a certificate of the said aggregate valuations; and shall then cause the assessment roll of each town or ward, or a fair copy thereof, to be delivered on or before the first day of November in every year, to the collectors respectively of such town or ward, with warrants annexed to the same, under their hands and seals, or the hands and seals of a majority of them, directed to and requiring them respectively to collect from the several persons named in the respective assessment rolls, the several sums mentioned in the last column thereof, or in the last column of each page thereof, if any shall consist of more than one page, opposite their respective names; and authorising them, in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing them to pay such part of the money so collected as shall have been directed to be raised for the support of the poor, to the overseers of the poor of their towns or wards respectively, and such part of the money as shall have been directed to be raised to defray any other expenses of the town, to the supervisor of such town, and the residue of the money by them collected, to the treasurer of the county, on or before the first day of February then next, retaining in their hands respectively out of the same, for their services, five cents upon every dollar they shall collect or levy; and in case there shall be more than one collector in any town or ward, then the said supervisors shall direct and cause such warrant and assessment roll to be delivered to such one of them as they shall judge most suitable and proper; and as soon as they shall have sent or delivered the rolls, with such warrants as aforesaid, to the collectors, they shall transmit an account thereof to the treasurer of the county, containing the names of the several collectors, the amount of the money they are severally to collect, and distinguish the sums that are to be collected for the support of the poor, for the other town expenses, and for the contingent charges of the county, and

Assessments
to be delivered
to collectors
for collection.

The warrants
of collection.

Their com-
pensation.

the time when they are directed to account for or pay the same to the county treasurer: and the county treasurer, upon receiving such account, shall charge the said collectors with the sums they are severally directed to collect.

Penalty on assessors.

V. *And be it further enacted*, That if any assessor shall refuse, or without being prevented by sickness, neglect to perform the duties required of him by this act, he shall forfeit and pay to the people of this state the sum of fifty dollars, to be recovered by action of debt, or by information, in any court of record, with costs; and in case of such neglect or refusal, or if any assessor being prevented from performing the said duties by sickness, the other assessors of each town or ward shall perform the same, and shall certify to the supervisors, with their assessment roll, the name of such delinquent assessor, distinguishing which of them, if any, were prevented from performing the said duties by sickness.

Duty of the clerks of New-York, Albany, Hudson and Schenectady, as to the names of assessors and collectors.

VI. *And be it further enacted*, That the clerks of the respective cities of New-York, Albany, Hudson and Schenectady, and the town clerks of each town in this state shall yearly, between the first day of May and the first day of October, certify and deliver to the supervisor of their respective towns, who shall deliver the same to the board of supervisors at their next meeting, the names of all the assessors and collectors in their respective cities and towns, and the supervisors shall, at every of their annual meetings, certify to the comptroller of this state the names and places of abode of the respective town clerks, and the names, additions and places of abode of all the assessors in their respective counties, who shall have neglected, without having been prevented by sickness, to perform the duties required of them by this act; and the comptroller shall thereupon give notice thereof to the attorney-general, and direct that such delinquent assessors be prosecuted for the penalties by them respectively incurred in pursuance of this act.

Duty of comptroller.

One assessor may perform the duties of all.

VII. *And be it further enacted*, That any one or more of the assessors in any town or ward, in case of the absence or default of the other assessors, shall and may perform all the duties required of such assessors respectively by virtue of this act.

Provision as to N. York, and Hudson declared a town.

VIII. *And be it further enacted*, That the chamberlain of the city of New-York shall be considered as the treasurer of the county of New-York, and the city of Hudson shall be considered as a town in the county of Columbia, for all the purposes contemplated by this act.

Powers and duties of the assessors in the collection of taxes.

IX. *And be it further enacted*, That every collector, upon receiving such assessment roll and warrant, shall proceed to collect the taxes therein mentioned, and shall pay the amount thereof, deducting five cents upon every dollar he shall have collected, for his fees for collecting the same, to the overseers of the poor, to the supervisor of the town, and to the county treasurer, at the time, for that purpose mentioned in the said warrant; and in case any person shall refuse or neglect to pay the sum or sums at which his or her estate shall be taxed as aforesaid, such collector is hereby authorised and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same,

or of any goods or chattels in his or her possession, wheresoever the same may be found within the district of such collector; and when any such distress shall be made of any goods or chattels in the possession of the person charged with such tax, no claim of any other person to the same, by any right or title whatsoever, shall be available; and in all cases of distress, if the goods and chattels distrained shall be sold for more than the amount of the tax, with the charges of the distress and sale, the overplus shall be returned to the person in whose possession the same goods and chattels were when the distress was made.

X. *And be it further enacted*, That the person in possession of any real estate at the time any tax is to be collected, shall be liable to pay the tax imposed thereon; and in case any other person, by agreement or otherwise, ought to pay such tax, or any part or proportion thereof, the person who shall pay the same, shall and may recover the amount from the person who ought to have paid the same; and all taxes upon any real estate shall be a lien thereon, and shall be preferred in payment to all other charges; and all taxes upon any personal estate shall, in case of death or bankruptcy of the person taxed, be preferred in payment of all other demands:

Person in possession of real estate to pay the tax, and the same declared a lien, and to be preferred to all charges both on personal and real estate

XI. *And be it further enacted*, That every collector shall, within one week after the expiration of the time mentioned in his warrant for paying the amount of the tax to the county treasurer, settle his account of the same tax with the county treasurer; and in case any of the taxes mentioned in the assessment roll annexed to his warrant, or any part of any of them, shall remain unpaid, and he shall not have been able to levy the same, he shall deliver to the county treasurer an account of the taxes so remaining due; and if such collector shall make oath before the county treasurer, or in case of his absence, before a justice of the peace of such county, which oath such treasurer or justice is authorised to administer, that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in possession of either of the persons charged with or liable to pay the said respective sums whereon he could levy the same, and that such account is a true transcript from the original assessment roll, then and in every such case the county treasurer shall credit the account of such collector with the amount thereof, and before the first day of April thereafter, shall transmit to the comptroller of this state the said account or return of arrears, with the affidavit of the collector written at the foot or on the back of the said account; and if the said collector shall at any time receive the tax on a part of any lot, piece or parcel of land, charged with taxes in his assessment roll, he shall require of the person paying such tax, a particular specification of such part, and shall enter in his return of arrears to the county treasurer such specification, in order that the part on which the taxes remain unpaid may be clearly known.

Collector, when and with whom to settle his account, and how.

As to taxes not collectable.

As to taxes on portions of real estate.

XII. *And be it further enacted*, That if any collector shall refuse or neglect to pay to the county treasurer, the amount of the taxes mentioned in any such assessment roll, to be delivered

Proceedings to enforce payment from defaulting collectors.

to him as aforesaid, or to account for the same in manner aforesaid, within the time limited as aforesaid, then the county treasurer shall, within twenty days thereafter, issue a warrant under his hand and seal, directed to the sheriff of the county, thereby commanding him to cause the same, or if any part thereof is paid or accounted for in manner aforesaid, then so much thereof as shall remain unpaid and not accounted for, to be made and levied of the goods and chattels, lands and tenements, of such collector, and to return the money to him, the said county treasurer, within forty days after the date thereof, together with the said warrant, and shall immediately deliver the same warrant to the sheriff of the county; and every sheriff to whom any such warrant shall be directed, shall immediately cause the same to be executed, and shall make return thereof to the county treasurer within the time therein specified, and pay to him the money levied by virtue thereof, deducting for his fees five cents upon every dollar of the sum levied, and no more; and if the whole sum is not levied, he shall endorse on the warrant the amount so levied, exclusive of his fees, and that such collector has not any more lands or tenements, goods or chattels, in his county, whereon he could cause the residue of the money therein mentioned to be made or levied; and in case he cannot find any goods or chattels, lands or tenements, of such collector, whereof he can cause any part of the sum mentioned in such warrant to be made or levied, he shall make return thereof accordingly; and if no part of the money mentioned in such warrant, or only a part of it, shall be levied, the county treasurer shall, upon the return of the warrant to him, transmit a copy thereof, with a copy of the sheriff's return thereon indorsed, to the comptroller of this state.

Proceedings
against sheriff
neglecting to
execute war-
rant against
collector.

XIII. *And be it further enacted*, That if any sheriff shall neglect to return any such warrant, or to pay the money levied thereon, within the times limited for the return thereof as aforesaid, or shall make any other return than such as is above mentioned, he shall be liable to pay to the people of this state, to be recovered with costs of suit in an action for so much money received to their use, the whole sum directed to be levied by such warrant; and the county treasurer shall, in every such case, certify to the comptroller that he has issued such warrant, mentioning against whom, and for what sum, and that the sheriff has neglected to return the same, or to pay the money levied thereon; and the comptroller shall give notice thereof to the attorney-general, in order that such sheriff may be prosecuted for the amount due on such warrant, which upon recovery, shall be paid to the treasurer of this state, and by him, on the comptroller's warrant, to be paid to the county treasurer.

Compensation
to county treasurers.

XIV. *And be it further enacted*, That every county treasurer shall be entitled to retain, as his fees, one cent upon every dollar which shall be paid to him by the collectors; and when any public monies are in his hands, he shall pay to the creditors of the county, such sums, and in such manner, as the board of supervisors shall have directed.

Duty of comptroller in transmitting trans-

XV. *And be it further enacted*, That the comptroller shall, on or before the third Tuesday in July in each year hereafter, trans-

transmit by mail, to the treasurer of each county in this state, a transcript of the taxes of the preceding year, in each town in such county, which shall have been rejected by the comptroller for any cause whatever, and in such transcripts the comptroller shall state the causes for which such taxes were rejected; and it shall be lawful for the comptroller, and he is hereby authorised, whenever and as often as he shall discover any taxes charged in the books in his office, on lands so imperfectly described, that the same cannot, in his opinion, with certainty be located, to cause the returns of such taxes to be transcribed, and to calculate and add to such taxes an interest at and after the rate of seven per centum per annum, from the first day of March in the year following the year in which any such taxes may have been laid, to the first day of February next following the time when he shall discover such imperfect description, and to transmit the same by mail to the treasurer of the counties respectively in which the lands charged are situate; and the county treasurer to whom any such transcripts as aforesaid shall be transmitted, shall deliver the same to the board of supervisors of such county at their meeting next after he shall receive such transcripts; in cases where the tax has been rejected by the comptroller, on account of any inaccuracy in the description of the real estate on which such tax was laid, or the comptroller shall be of opinion that the real estate is so imperfectly described that it cannot be located with certainty, the supervisor of the town in which such real estate is situate shall, if in his power, add to the assessment roll of such town an accurate description of such real estate; and the board of supervisors shall charge such real estate, with the taxes and interest so in arrear, stating, however, each year's tax separately, and shall direct the collection thereof; and such taxes and interest shall, for all the purposes of this act, be considered as the tax of the year in which the descriptions are perfected as aforesaid; and in case an accurate description of such real estate cannot be made as aforesaid, the board of supervisors shall cause the amount of such arrears of taxes and interest to be levied and collected, with the tax of the year in which such returns shall be made to them on the valuation of the estates, real and personal, in the towns in which the taxes were assessed; and in case any town in which such taxes shall have been assessed, shall have been divided since such assessment, then the said taxes and interest shall be apportioned by the board of supervisors among the towns included within the limits of such original town, in such equitable manner as they may deem proper; and if any taxes charged on real estate have or shall remain unpaid until the first day of May following the year in which such taxes shall or have been laid, such taxes shall thereafter be subject to a yearly interest, at the rate of fourteen per cent, until the same shall be paid to the treasurer of this state, or until the lands on which the same are a lien, be sold as is hereinafter mentioned.

cripts of taxes
to treasurers
of counties.

Duty of the
said treasurers,
and of the
supervisors.

XVI. *And be it further enacted*, That any tax heretofore laid by virtue of any law of this state, or to be laid by virtue of this act, upon any real estate, and the interest and charges thereon

Taxes deemed
a lien on real
estate till paid.

When and
how such es-
tate to be sold
for taxes.

shall be a lien upon the same real estate until the same tax, interest and charges shall be paid or recovered, notwithstanding the same real estate may have been divided or aliened, in the whole or in part; and whenever such tax and the interest aforesaid accruing thereon, shall remain unpaid for two years from the first day of May following the year in which any such tax was or shall be laid, the comptroller shall cause so much of the land, charged with such tax and interest, to be sold at public auction, at the capitol in the city of Albany, to the highest bidder, as shall be necessary to pay the said taxes and interest, together with all charges thereon, first giving at least four months notice of sale in the manner hereinafter directed.

Duty of the
comptroller in
conducting
such sales, and
in giving no-
tice thereof,
etc.

XVII. *And be it further enacted,* That when any lands now charged or hereafter to be charged, at the comptroller's office, with any tax, shall be liable to be sold, by virtue of the preceding section of this act, it shall be the duty of the comptroller to make out a list or statement of such lands, and cause so many copies thereof to be printed as shall be sufficient to furnish each county treasurer with at least five copies, and each supervisor in this state with two copies, and thereupon, before the first day of September thereafter, to transmit, by mail, to each county treasurer respectively such number of the said copies as shall be equal to five copies for such county treasurer, and two copies for each supervisor in the said county; and it shall be the duty of the said county treasurers respectively to preserve and keep in their offices respectively five of the said copies, and to permit all persons, at all reasonable hours, to examine the same, and at the first meeting of the board of supervisors, after the receipt of the said copies, the county treasurer shall deliver, or cause to be delivered, two of the said copies to each of the supervisors of the said county, and each of the supervisors to whom such copies shall be delivered shall deliver the same to the clerks of their respective towns, who shall keep the same as part of the records of such towns, and permit all persons, at all reasonable hours, to examine the same; and the comptroller shall, after having transmitted to the several county treasurers as aforesaid the said copies, and before the second Tuesday in October thereafter cause to be published, once in each week, for seventeen weeks successively, in at least four of the public newspapers published in each of the four great districts in this state, a general notice, that a list of all the lands, liable to be sold for arrears of taxes, has been forwarded to each of the county treasurers and town-clerks in this state; and that so much of the said lands will, on a day to be mentioned in such notice, and on the succeeding days, be sold at public auction, at the capitol in the city of Albany, as will be necessary to pay all the taxes, interest and charges due, assessed, or to be charged thereon, at the time of such sale; and each printer to whom such notice shall be transmitted for publication, shall, within twenty days after the last publication of the said notice, make and subscribe an oath or affirmation, or cause or procure some other person, to whom the fact of publication shall be known, to make and subscribe an oath or affirmation, before the mayor or recorder of any city, or before any judge or justice

of the peace in this state, that the said notice has been published for seventeen weeks successively, and to transmit the said oath or affirmation, to the comptroller, who shall file the same in his office; and on the day mentioned in the said notice the comptroller shall commence the sale of the said lands, and continue the same from day to day, until so much thereof shall be sold as to pay taxes, interest and charges due, assessed or charged thereon as aforesaid; and the comptroller shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming title to the said lands, described in the said certificate, shall not, within two years from the date thereof, pay to the comptroller, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereof, at the rate of twenty per centum per annum, from the date of the said certificate, the comptroller shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, in the name of the people of this state, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims which the people of this state shall have thereon; and the said conveyance shall be conclusive evidence that the sale was regular according to the provisions of this act; and every such conveyance to be executed by the comptroller, under his hand and seal, and the execution thereof, witnessed by the deputy comptroller, may be given in evidence and recorded, in the same manner and with the like effect, as a deed regularly acknowledged by the grantor, before a justice of the supreme court, may be given in evidence and recorded; and the comptroller shall, at least six months before the expiration of two years after any such sale, cause an advertisement to be published at least once in each week, for six weeks successively, in at least four of the public newspapers printed in each of the four great districts of this state, in such form as he shall deem well calculated to give notice of such sale, and that unless the lands sold should be redeemed by a certain day, they would be conveyed to the purchaser.

When to give deeds to purchasers.

XVIII. *And be it further enacted,* That the comptroller shall, from time to time, give to any person requiring the same, a certificate of the amount of any tax, interest and charges due, or charged upon any tract, piece or parcel of land; and it shall be lawful for the treasurer to receive the same tax, interest and charges, and give a receipt therefor, upon such certificate, which shall be carried to the comptroller, who shall countersign the same, and enter the payment in the accounts in his office.

Further duty of comptroller

XIX. *And be it further enacted,* That if a sum in gross has been, or shall be assessed upon any tract, piece or lot of land, any person or persons claiming any divided or undivided part thereof, may pay any part of the tax, interest and charges due, or charged thereon, proportionate to the number of acres claimed by him, her or them, to the treasurer on the certificate of the comptroller, and the remainder of the tax, interest and charges

When and how a proportion of the tax may be paid by a part owner of lands

ges, shall be a lien on the residue of the land only : *Provided*, That the person wishing to pay such tax upon a divided part of such tract, piece or lot of land, shall deliver to the comptroller a map of the subdivision of such tract, piece or lot of land, if required so to do by the comptroller.

Taxes may be
paid to coun-
ty treasurer

XX. *And be it further enacted*, That it shall be lawful for any person, whose lands shall be assessed, to pay the tax to the treasurer of the county, in which such lands are situate, who shall make return of such payment to the comptroller of this state, and the receipt of such county treasurer shall discharge the lands so assessed from the tax : *Provided*, That such payment be made to the county treasurer before his annual return of the arrears of taxes, to the said comptroller.

Further duty
of comptroller

XXI. *And be it further enacted*, That in all cases in which it shall be made to appear to the comptroller, that any tax returned as unpaid, was previously to such return, paid to the collector, the comptroller shall be, and is hereby authorised to cancel such tax on the books in his office ; and in case of payment into the treasury of such tax, he shall draw a warrant on the treasurer for the amount, and shall transmit an account thereof to the supervisors of the county, who shall cause the same to be collected of the collector who committed such mistake.

Taxes twice
paid, how re-
funded
[See sess. 36. c
203. sec 33]

XXII. *And be it further enacted*, That if it shall appear to the comptroller that any tax has by mistake, been paid into the treasury of this state more than once, the comptroller shall be, and is hereby authorised to draw a warrant on the treasurer for the re-payment of the sum so paid by mistake, or if it shall appear that any tax has been or shall be laid, and paid into the treasury of this state on lands which by law were exempted, the same shall on a like warrant be repaid to the person entitled to receive the same.

Further duty
of comptroller

XXIII. *And be it further enacted*, That it shall be the duty of the comptroller of this state, on or before the first Tuesday of October in every year, to furnish the board of supervisors of the several counties of this state, from which returns of arrears of taxes has been or shall be received at his office, with statements of the sums drawn out of the state treasury, on account of such arrears, during the year preceding, by the county treasurers respectively, if any sums shall have been so drawn by such county treasurers.

Interest on
arrears of tax-
es

XXIV. *And be it further enacted*, That an account audited by the board of supervisors, in any county of this state, in favor of any person, shall be on interest at the rate of seven per centum per annum, from the time payment of the said account shall be demanded from the treasurer of such county : *Provided*, Such demand shall be made on or subsequent to the first day of March, after the account shall have been audited.

Further duty
of comptroller
as to maps, etc

XXV. *And be it further enacted*, That the comptroller is hereby authorised, whenever he shall deem it necessary, in order to enable him to test the correctness of the description of any lands, returned from any county in this state, charged with taxes, and to aid him in the sale of lands for taxes, to apply to the board of supervisors of any of the said counties, for maps of such

tracts as he may deem necessary for the purposes aforesaid ; and it is hereby made the duty of every board of supervisors, to whom such application shall be made, to furnish at the expense of the county, such map or maps, if they can be procured ; and if not, they shall then furnish such description as they can obtain, of the lands of which a map may be so required, with a statement of the quantity of land in each sub-division of such tract of land, if the same has been sub-divided.

XXVI. *And be it further enacted*, That if at any sale of land for non-payment of taxes, any purchaser shall neglect or refuse to pay the purchase money, for the space of forty-eight hours after the sale, it is hereby made the duty of the comptroller to state an account against any such purchaser, and deliver the same to the attorney-general ; whose duty it shall be to sue for, and recover the amount of such account from such purchaser, in an action of debt, in any court of record within this state, in the name of the people of this state ; and such account shall be conclusive evidence of such debt.

Att'y. general
to sue purchaser
for purchase monies
of lands sold
for taxes

XXVII. *And be it further enacted*, That the comptroller shall, at the expense of this state, whenever he may deem it necessary, procure blank forms of assessment rolls, and of returns of unpaid taxes, and shall transmit such number of the said forms as he may deem proper, together with such instructions as he shall think necessary or advisable, for the purpose of obtaining a uniform and proper execution of this act, to the treasurers of the several counties of this state, who shall distribute the same among the town clerks, to be delivered to the assessors, whose duty it shall be to complete the assessments in their several towns, in the manner required by such instructions.

Blank forms of
assessments,
etc. to be pro-
cured by
comptroller

XXVIII. *And be it further enacted*, That no real estate belonging to the United States, or to this state, nor any church or place of public worship, nor any personal property belonging to any minister of the gospel, or to any priest of any denomination whatsoever, nor any real estate of such minister or priest, not exceeding in value one thousand five hundred dollars, nor any college or incorporated academy, nor any school-house, court-house, gaol, alms-house, or property belonging to any incorporated library, shall be taxed by any law of this state.

Certain real
estate declared
exempt
from taxation

XXIX. *And be it further enacted*, That the compensation to the assessors and supervisors, for executing the duties enjoined on them by this act, shall be allowed and paid in like manner as the county charges in this state, are allowed and paid, and that each assessor shall be entitled to receive for his services one dollar and twenty-five cents per day.

Compensation
to assessors
and supervi-
sors how paid

XXX. *And be it further enacted*, That all frauds and offences against this act, or in the execution thereof, other than such for which penalties are imposed, shall be considered as misdemeanors, and all such offenders shall and may be prosecuted for the same, by indictment, in the supreme court, or any court of oyer and terminer and gaol delivery, or general sessions of the peace.

Frauds and
offences
against this
act declared
misdemeanors

XXXI. *And be it further enacted*, That the mayor, recorder and aldermen of the city of New-York, shall in the city and county of New-York, perform all the duties enjoined by this act on the supervisors of the respective counties in this state.

Com. council
of N. York de-
clared super-
visors under
this act

Certain fees
allowed the
comptroller

XXXII. *And be it further enacted,* That it shall be lawful for the comptroller to demand and receive the following fees, to wit: three cents for a certificate of the amount of each tax, interest and charges now due upon any tract, piece or parcel of land, or now due upon any divided or undivided part of such lot of land, and the like fees for such certificate of any tax hereafter to be returned and remain unpaid until the first day of October after such return; twenty-five cents for each certificate, to be given to a purchaser at such sale as aforesaid, which twenty-five cents shall be considered as part of the sum for which any piece of land was sold at such sale; twenty-five cents for certifying the sum necessary to redeem any piece of land sold for taxes; and fifty cents for each conveyance executed by him in pursuance of this act.

Further duty
of comptrol-
ler.

XXXIII. *And be it further enacted,* That the comptroller of this state shall, within ninety days after the receipt of the returns of unpaid taxes, transmit a copy of such returns to the register of the city of New-York, to be filed in his office; and the comptroller shall, within seventy days after he shall receive the assessment roll of any taxes authorised by law, for the purpose of making or improving any roads or bridges within this state, transmit a copy thereof to the said register.

When state
treasurer to
pay arrears
of taxes to co.
treasurers.

XXXIV. *And be it further enacted,* That it shall be lawful for the treasurer of this state, on the warrant of the comptroller, to pay to the treasurer of every county in this state respectively, the amount of arrears of taxes due to any such county, with interest, at the rate of seven per cent. per annum from the time interest commenced, which warrant the comptroller shall issue in favor of any county treasurer who shall produce to the comptroller a copy of a resolution of the board of supervisors of such county, certified by their clerk, agreeing to accept of such arrears of taxes and seven per cent. interest; and the arrears of taxes returned to the comptroller's office during the present year, or hereafter to be returned, shall, on the warrant of the comptroller, be paid by the treasurer of this state to the treasurers of the respective counties in which such taxes were assessed, so soon as such returns can be examined, and the accounts thereof be stated by the comptroller.

Owners of
land sold for
taxes may sue
each other for
their just pro-
portions.

XXXV. *And be it further enacted,* That in every case in which the land of one or more persons shall be sold and conveyed in pursuance of this act, for any tax or taxes which have or shall be assessed on such land, and the land of any other person or persons, the person or persons whose land shall be so sold and conveyed, shall and may, in an action on the case, recover from such person such proportion of the value of the land so sold and conveyed, as such person ought to have paid of the tax or taxes, interest and charges, for which such land shall have been sold and conveyed.

Surplus taxes
to be credited
to the town
the succeeding
year.

XXXVI. *And be it further enacted,* That whenever any greater amount of taxes shall be assessed in any town than the amount of the county and town charges for such town, the surplus shall be paid to the county treasurer, who shall place the same to the

credit of such town, and such surplus shall go to the reduction of the tax of the succeeding year.

XXXVII. *And be it further enacted*, That any person claiming an undivided part of any tract, piece or lot of land which shall be sold in pursuance of this act, shall be permitted to redeem the same on paying such proportion of the sum for which such land was sold, and the interest and charges thereon as he shall claim of such land.

Redemption allowed to owners of undivided parts.

XXXVIII. *And be it further enacted*, That it shall be lawful for any person to pay one year's tax, and the interest and charges thereon, on any piece or lot of land, without paying the tax of any other year; and in case any tract, piece or lot of land has been or shall be returned as containing a greater quantity of land than what it does contain, and the tax has been or shall be paid according to such return, the surcharge may be refunded on satisfactory proof being produced to the comptroller of the quantity contained in such tract, piece or lot of land.

Persons may pay only one year's tax, and surcharge how refunded.

XXXIX. *And be it further enacted*, That if any person who shall purchase any land in pursuance of this act shall pay any tax returned subsequent to such purchase on such land, the person who shall redeem the same land shall pay the amount of such tax, with interest, at the rate of twenty per centum per annum for the benefit of such purchaser.

Land sold for taxes how to be redeemed.

XL. *And be it further enacted*, That if at any time after the amount of any tax shall have been paid to the treasurer of any county, out of the treasury of this state, the comptroller shall discover that such tax was imperfectly assessed, he shall charge the amount of such tax, with the interest and charges thereon, to the treasurer of such county, and transmit an account thereof to him; and the treasurer of such county shall deliver such account to the board of supervisors, at their then next meeting, who shall cause the amount of such account to be added to the proportion of the charges of the county, to be raised in the town in which the tax was laid.

Further duty of comptroller, as to imperfect assessments.

XLI. *And be it further enacted*, That in any action or information, for the recovery of any penalty or forfeiture by virtue of this act, it shall be sufficient in the declaration to set forth that the defendant, at a certain time and place, became indebted to the people of the state of New-York in the sum to be recovered, specifying the same as a forfeiture incurred for refusing or neglecting to perform the duty required of him by virtue of an act, entitled "an act for the assessment and collection of taxes," to be paid to the said people when he should be thereunto required, and to give the special matter in evidence, and the amount of all such penalties shall be paid into the treasury of this state for the use of this state.

Form of declaring for penalties under this act.

XLII. *And be it further enacted*, That it shall be the duty of the assessors, in making their assessment rolls, to set down the real and personal estates at the value they would appraise such estate in payment of a bona fide debt due from a solvent debtor; and all stock in the funds of the United States, or in any other funds, and all bank stock, or stock in any other company, and all debts due from solvent debtors to any person so assessed, over

Duty of assessors in making assessments.

and above the debts *bona fide* owing by him, shall be assessed as part of such person's personal estate; and in case any person so assessed, will make oath, which oath any assessor is hereby empowered to administer, that his personal estate, including all his stock and the debts due to him hereby directed to be assessed, does not exceed a certain sum to be specified in such oath, over and above what is sufficient to pay his debts, then such personal estate shall be put down in the assessment roll, at the sum specified in such oath, and no more.

Expenses of
advertising
lands for sale
to be added to
the taxes.

XLIII. *And be it further enacted*, That all the expenses heretofore incurred, to be ascertained and liquidated by the comptroller, or by him and the secretary of state and the attorney-general, or any two of them, in advertising any lands for sale for the arrears of taxes yet due, shall be, by the comptroller, added to such taxes respectively, in proportion to the amount of each tax; and all expenses hereafter to be incurred, in publishing and transmitting any list or statements, and in advertising any land for sale, in pursuance of this act, for the arrears of taxes now due, or hereafter to become due, shall, by the comptroller, be added to such taxes respectively, in proportion to the amount of each of the said taxes: *Provided*, That no land which shall be chargeable with the expense heretofore incurred in advertising such land for sale, shall be subjected to the expense of advertising it again for sale for the same arrears of taxes.

Proviso.

Further duty
of assessors,
where all the
owners of un-
divided lands
cannot be as-
certained.

XLIV. *And be it further enacted*, That when a tract of land is sub-divided, and the sub-divisions thereof not known to the assessors, and that they cannot, upon diligent inquiry, be able to ascertain and designate the sub-divisions, it shall be lawful for them to assess the whole tract, stating, however, in their roll, that they have not, upon diligent inquiry, been able to ascertain how such tract was sub-divided; and in case any part or parts of any such tract, or of a tract that is not sub-divided, shall be settled and improved, and in the actual occupation of a resident of the town, and the assessors cannot otherwise ascertain and designate the part or parts so occupied and improved, in order to have the same excepted out of the assessment of the whole tract, they shall notify the supervisor of the town thereof, who shall cause a survey and two maps to be made to ascertain and shew the situation of such part or parts in the tract, and the quantity therein, one of which maps the said supervisor shall deliver to the county treasurer, to be by him transmitted to the comptroller, and the other to the assessors; and the said assessors shall then complete the assessment of such tract, and deposit said map in the town clerk's office, for the information and guidance of future assessors; and it shall be lawful for the board of supervisors to add the expense of making said survey and maps to the tax on such tract, designating it from the ordinary tax; and the said expense shall, in the first instance, be paid to said supervisor as county charges are usually paid: *And further*, That where it shall be deemed necessary by the assessors of any town to have an actual survey made to ascertain the quantity of any lot or tract situate in their town, which the town line divides, and shall give notice to the supervisor of such town, such supervisor shall,

Surveys when
required.

at the expense of the town, cause the necessary surveys to be made.

XLV. *And be it further enacted*, That it shall and may be lawful for the assessors to assess any lot or tract of land which may have been sold by the state, although the same may not have been granted or conveyed, and that all assessments and taxes heretofore imposed on any land so situated, be and the same are hereby declared legal, any law to the contrary notwithstanding.

Assessments on lands sold by the state, but not yet conveyed.

XLVI. *And be it further enacted*, That all returns of unpaid taxes, which have been made to the office of the comptroller, shall be valid, although no such certificate as is mentioned in the first section of the act, entitled "an act to amend the act, entitled an act supplementary to the act for the assessment and collection of taxes," has been endorsed on such returns.

Returns of unpaid taxes made to the comptroller.

XLVII. *And be it further enacted*, That the annual meeting of the board of supervisors of the county of Chenango shall in future be held on the last Monday in October, in every year, any thing in this act or any law to the contrary notwithstanding.

Annual meetings of supervisors in Chenango.

XLVIII. *And be it further enacted*, That the supervisors of the respective towns of the county of Kings, shall hold their first meeting on the first Tuesday of August, in every year, to transact the ordinary business of the said county, and deliver their warrants and tax lists to the several collectors for the collection of taxes in said county, by the first Tuesday in September in every year, and that the collectors of the several towns in said county shall settle their accounts with the treasurer of the aforesaid county, on or before the first Tuesday of November, in every year, and that the town clerks of the respective towns in said county of Kings, shall certify and deliver to the supervisors of their respective towns the names of all the assessors and collectors in the same between the first day of May and the first Tuesday of August in every year, any thing contained in this act to the contrary notwithstanding.

The like in Kings. [See sess. 36. ch. 17.]

Collectors in Kings when to settle their accounts.

XLIX. *And be it further enacted*, That the comptroller shall cause to be printed as many copies of this act as may be required for the several officers charged with any duties relative to the assessment and collection of taxes within this state; and the said comptroller shall transmit to each county treasurer in this state a sufficient number of said copies to supply the said officers in the counties respectively each with one copy, and the said county treasurers shall distribute them as soon as conveniently may be to the said officers.

Copies of this act to be printed and distributed.

[*Note.*—*Public monies* were first raised in the colony under Col. Nicolls, on the 1st June, 1665, by warrants issued by the sheriffs to the collectors, &c. *Vide* Smith's History of New-York, page 31, *in notis*. It would appear that antecedent to this date, the towns and counties raised monies for their own use, but the precise mode cannot, at this time, be ascertained. In 1676, a kind of *benevolence* was raised on the inhabitants, as appears from a letter written by Governor Andross, and, as Smith observes, this proceeding was a "*badge of bad times*." Smith's History of N. York, page 34. In 1683, the first regular system of taxation was adopted *by law*. The frequent wars in which the colony was involved, in consequence of the collisions of the mother country with the nations of Europe, (especially the French,) plunged the colony into an enormous debt, which was severely felt by its inhabitants. As an evidence of the fact, it is barely necessary to mention, that from the year 1691 to

1709, inclusive, the sum of 61,861*l* 11*s*. 8*d*. was directed, by different laws, to be raised by tax or bills of credit, &c. and applied to the building of forts, the raising and paying of troops, and for other warlike purposes, besides the duty on *excise*, and a penny in the pound for the ordinary and incidental charges of the colony. From 1709 to 1717, the sum of 11,742*l*. was directed to be raised for the like purposes; and on the 23d December, 1717, the sum of 16,607*l*. was directed to be issued in *bills of credit* to extinguish the debts of the colony—a tax of *two per cent*. was laid on all European goods, Nov. 19, 1720. From 1717 to 1746, the sum of 40,843*l*. 18*s*. 7*d*. was raised by tax, &c. for purposes of defence, troops, &c. and on the 15th July, 1746, the sum of 40,000*l*. was directed to be raised by tax for carrying on the expedition against the French in Canada, and 28,000*l*. more, on the 25th November, 1747, for the defence of the frontiers and the annoyance of the enemy. On the 7th March, 1759, the sum of 100,000*l*. was directed to be levied for aiding in the invasion of Canada. On the 3d July, 1759, *bills of credit* to the amount of 150,000*l*. were directed to be issued. On the 22d March, 1760, the sum of 60,000*l*. was directed to be issued in bills of credit. On the 16th February, 1771, the sum of 120,000*l*. was directed to be issued in *bills of credit*, &c. to be *loaned*, and the *interest* applied to the payment of the public debt. It is not perhaps too extravagant to say that the wars in which Great-Britain was engaged, from time to time, before the year 1776, cost the colony nearly a *million of pounds*—a very large sum, considering the then infant state of our country, and the limited extent of her resources. The first regular system of taxation in this state after the peace was adopted in 1788. *Vide J.&V. v. 2. 340*. The references to acts of parliament are deemed unnecessary. Those acts were formerly temporary by way of *subsidies*, &c. and have since been so multiplied, within a century past, that their introduction here would be inconsistent with the nature of this work.]

CHAP. XXXVII.—(R.L.)

An ACT to provide against Infectious and Pestilential Diseases.

Passed March 26, 1813.

[S.&L. v. 2. 137.—V. S. v. 1. 368.—J.&V. v. 1. 150.—K.&R. v. 1. 361.—W. v. 3. 469, 471.—Ib. v. 4. 410, 460, &c.—Sess. 34. ch. 175.]

Health officer
and 3 health
commission-
ers, and
where to re-
side
Sess. 34, ch. 175,
§ 1
Duty of
health officer

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That there shall continue to be a health office in the city of New-York, under the superintendence of the board of health, and three health commissioners, who shall be *ex-officio* members of the said board, which commissioners shall consist of a health officer, who shall reside at Staten-Island, from the fifteenth day of April to the first day of November, and the remainder of the year at the city of New-York, and perform all the duties enjoined on him by this act, of a resident physician, who shall reside in the city of New-York, whose duty it shall be to visit all sick persons who may be reported to the board of health, or to the commissioners, conformable to the seventeenth section of this act; and of a health commissioner, whose duty it shall be to take charge of the receipts and disbursements of all monies appropriated to the use of the marine hospital establishment, for the due performance of which he shall execute a bond to the people of this state, with one or more sureties, in the sum of five thousand dollars, which bond shall be taken and approved by the mayor or recorder of said city: *And further*, It shall be the duty of the said resident physician and health commissioner, to meet daily at the health office, from the thirty-first day of May to the first day of October,

Bond required

Duty of resi-
dent physician
and health
commissioner.

in each year, with one or more members of the board of health, for the transaction of official business ; and they shall further perform all other duties required of them by this act ; that the said commissioners shall be appointed by the person administering the government of this state, by and with the advice and consent of the council of appointment : *Provided however*, That the persons heretofore appointed as commissioners aforesaid, may continue in their respective offices until others shall be appointed in their stead : *And provided further*, That it shall be lawful for the mayor, or in his absence, the recorder of the city of New-York, in case of the death or resignation of any of the said commissioners, to appoint a suitable person to supply such vacancy, until the sense of the council of appointment shall be declared thereon.

Proviso.

Further
proviso.

II. *And be it further enacted*, That all vessels arriving in the port of New-York, from any port, island or other place, in Asia, Africa, the Mediterranean, America lying south of Georgia, or from any West-India, Bahama or Bermuda islands, and all vessels from foreign ports, having on board forty or more passengers, or on board of which vessel any person shall have died, while at a foreign port or on the homeward passage, or shall have been sick on the homeward passage, shall anchor at the place assigned for quarantine, and be subject to the examination of the health officer at any time in the year, under the regulations herein prescribed ; and that all vessels arriving in the port of New-York, from any port, island, or other place in the United States, south of Cape-Henry, between the thirty-first day of May and the first day of October, in any year, shall anchor at the place assigned for quarantine, and shall be subject to the examination of the health officer, and to such regulations as may be deemed expedient by him ; and that any master or commander of a vessel offending in the premises, shall be considered as guilty of a misdemeanor, and on conviction thereof, shall, for each offence, be fined by any court having cognizance of the same, in a sum not exceeding two thousand dollars, or be imprisoned for a term not exceeding twelve months.

Vessels subject to examination and quarantine
Sess.34, ch.175,
§ 2

Penalty on
masters and
commanders.

III. *And be it further enacted*, That whenever a vessel shall arrive at the anchoring place for vessels at quarantine, from a place where yellow or other pestilential fever prevailed at the time of her sailing thence, or if, during her voyage, any person has died or been sick on board with such fever, the master, owner or consignee shall forthwith, upon the requisition and under the direction of the health officer, cause such vessel to be unloaded, cleansed and purified, and that until then, no permit shall be granted for her to proceed to the city of New-York, and that every vessel under the above circumstances, arriving between the thirty-first day of May and the first day of October, shall be detained at least thirty days at quarantine after her arrival, and twenty days after her whole cargo has been discharged, and every part of the inside of such vessel thoroughly whitewashed, except such parts as may be painted or varnished, which shall be cleansed as the health officer may direct, during which time the said vessel shall be as often whitewashed as the health officer

Certain vessels to be unloaded, cleansed and purified
Sess.34, ch.175,
§ 3

To be detained a certain time and whitewashed

shall judge requisite, but not less than three times, and four days intervening between each time, and wind-sails shall be constantly kept in each hatchway, the weather permitting, and it shall be the duty of the health officer, whenever he shall judge such vessel to be clean, safe, and free from infection, to report her and her ballast to the board of health, who shall be authorised to give further directions concerning her; and no part of the cargoes of such vessel shall be conveyed to the city of New-York without a permit in writing from the health officer, nor shall any of the crew (except the captain, under certain restrictions, as the health officer may direct) or passengers, of the aforesaid vessel be permitted to go to the city of New-York, until twenty days after the last death or sickness of the yellow or pestilential fever, which has occurred on board, or until twenty days after such vessel shall have sailed from any port where a pestilential fever prevailed at the time of her departure; and every master, owner or consignee, neglecting or refusing to comply with such requisition of the health officer, shall be considered guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding two thousand dollars, or be imprisoned for a time not exceeding twelve months, by any court having cognizance thereof: *Provided*, That all vessels which may remain at quarantine on the first day of October, shall be subject to the same restrictions which are directed for those vessels which arrive on and after that day.

IV. *And be it further enacted*, That all vessels arriving in the port of New-York, from any place in the West-Indies, in America south of St. Mary's in Georgia, and north of the equator from the coast of Africa, (except the Cape of Good Hope) between the thirty-first of May, and the first day of October, in any year, shall remain at quarantine not less than four days after their arrival, and that no intercourse shall be permitted during that period between the crew or crews of said vessels and the city of New-York, unless under such restrictions as shall be prescribed by the health officer; during which time the said vessel shall be cleansed and ventilated, and the clothing and bedding of the crew and passengers washed and aired; but all passengers arriving in those vessels, and permitted by the health officer to go to the city of New-York, shall daily report themselves to one of the commissioners of health in the city of New-York for the first four days after the arrival, should they so long remain in the city; and that the aforementioned vessels shall moreover remain at the quarantine ground for a longer term than the aforesaid four days, if in the opinion of the health officer it shall be proper, and after such vessel shall be permitted to proceed by him, they shall not approach within three hundred yards of that part of the island of New-York, which lies southward of a line drawn from Bank-street, on the North river, and Stuyvesant's dock on the East river, but nevertheless, if the owners or consignees of any such vessel shall choose to discharge the whole or any part of said cargo, the same, if sound, and proper to be discharged, may be unloaded or discharged by boats or lighters, subject to the regulations of the commissioners of health, and the said vessel or

When and
how to be
reported.

Penalty.

Proviso.

Certain ves-
sels to per-
form quaran-
tine 4 days at
least.
Secs. 34. ch. 175,
§ 4

And to be
cleansed and
ventilated.

vessels, being unloaded of her or their cargoes, and the master or owner of such vessel or vessels, being desirous of bringing her or them to the dock, they shall make application to the commissioners of health, who shall send a trusty person to see said vessel and her ballast properly cleansed, for which duty he shall be paid by the master or owner of said vessel, the sum of five dollars, and when he shall report the same to be so, they may then direct such vessel or vessels to such wharves as they may deem proper; and that every master, commander, consignee or passenger of any vessel offending against the provisions of this section, shall be considered guilty of a misdemeanor, and shall for every such offence be fined in a sum not exceeding one thousand dollars, or be imprisoned for a time not exceeding six months.

Penalty.

V. *And be it further enacted*, That all vessels arriving in the port of New-York from any port, island, or other place in the Mediterranean, in Asia, (except Canton and Calcutta) in America, south of the equator, or from the Madeira, Canary, Cape de Verd, Bermuda or Bahama islands, between the thirty-first day of May and the first day of October in any year, shall remain at least two days at quarantine, for the purpose of cleansing and ventilating, and for such longer time as the health officer may judge proper, who when the vessel is permitted to proceed to the city, shall determine to what wharf in the said city she may be permitted to come: *Provided*, That such vessel coming from the above mentioned places shall not have been at any of the places described in the section immediately preceding, after the fifteenth day of May then next preceding: *And further*, That all vessels bound to a place eastward of the said city, and beyond this state, may under any circumstances be permitted to proceed through the Sound without coming to anchor near the said city, or holding any intercourse with it; and that every master, commander, owner or consignee of any vessel offending in the premises, shall be considered guilty of a misdemeanor, and shall for every offence be fined in a sum not exceeding two thousand dollars, or imprisoned for a time not exceeding twelve months.

Certain other vessels also to perform quarantine for two days at least
Sess 34. c 175
see 5.

Penalty.

VI. *And be it further enacted*, That all coasting vessels, on board of which a person or persons may have died or been sick of malignant, yellow or pestilential fever, shall, after having their cargoes discharged and been properly cleansed, be reported as such to the board of health who may permit such vessels to come to the wharves of the city if they judge them safe.

Coasting vessels having such persons on board, etc. how to be reported
Sess 34. c 175
§ 6

VII. *And be it further enacted*, That it shall be lawful for the governor of this state, or in his absence, the mayor of the city of New-York, or in the absence of both of them, the recorder of the said city, from time to time, whenever it shall appear advisable, to issue his order, declaring what other vessels than such as are before designated in this act, shall be subject to quarantine; that in like manner it shall be lawful for him to issue his proclamation, prohibiting or regulating the intercourse by land and ferries between the city and county of New-York, and any other place where he shall learn that a pestilential or infectious disease doth prevail, and that all persons offending in the premises,

Governor of the state or mayor or recorder of N. York may give orders to other vessels to perform quarantine
Sess 34. c 175
see 7.

Penalty on offenders

Duty of commissioners of health

shall be liable to punishment as for a misdemeanor by fine and imprisonment at the discretion of the court having cognizance thereof; and moreover, it shall be lawful for the said commissioners of health to cause any vessel subject to quarantine, which, before she shall have been so visited, examined and reported as aforesaid, shall be brought to anchor elsewhere in the port of New-York than at the quarantine ground; and also all other vessels which in the judgment of the health officer, or any of the said commissioners, there shall be reason to believe are infectious, or shall have on board articles suspected of containing infectious matter, whether brought from foreign countries or generated or accumulated on board, to be removed to, and brought to anchor at the anchoring place for vessels at quarantine; and to cause all persons, articles or things, which may have been landed, to be seized and arrested, and to be returned forthwith on board such vessel, or removed to the said hospital: And it shall be further lawful for them to cause all persons who shall come into this state contrary to the prohibitions and regulations in such order or proclamation as aforesaid, to be apprehended, and it well, to be conveyed to the vessel or place whence they last came; and if sick, to be removed to the said hospital.

Vessels subject to quarantine not to approach N. York without a permit
Sess 34. c 175
sec 8.
§ John. ca. 183

Penalty

VIII. *And be it further enacted*, That no vessel subject to the examination of the health officer, shall approach the city of New-York beyond the place assigned for quarantine, without a written permit for that purpose from him; and that the master or commander of every such vessel, arriving at the city of New-York, shall, within twenty-four hours after such arrival, deliver such permit to the commissioner of health, or to such person as he shall direct; and every master or commander neglecting or refusing to comply with either of these directions, shall, for every such offence, be considered guilty of a misdemeanor, and on conviction thereof, shall be fined by any court having cognizance thereof, in a sum not exceeding two hundred dollars, or be imprisoned for a term not exceeding twelve months.

Quarantine how long to continue
Sess 34. c 175
sec 9

Duty of the branch pilots

IX. *And be it further enacted*, That quarantine shall continue for such time as to the health commissioners shall seem proper, and no vessel otherwise subject to quarantine, shall be exempted therefrom by reason of having previous thereto entered into any of the ports of the United States, unless such vessel shall have discharged all her cargo and been well cleansed, and remained at least twenty days after unlading the whole of her cargo in some one of the aforesaid ports; and the several branch pilots and their deputies, belonging to the port of New-York, shall use their utmost endeavors to hail every vessel coming into the said port from sea, and shall ask and demand of the master or commander of any such vessel, whether any person has died on board, or any person has been sick on the passage, or if any pestilential fever existed amongst the inhabitants of the port whence she sailed, and on being answered in the affirmative to any the said questions, shall immediately give notice to the master or commander of such vessel, that he and his vessel, crew, passengers and cargo are subject to quarantine, and shall forbid them to proceed further than the anchorage assigned for quarantine, and

shall direct him to anchor his vessel there, and to remain there until he shall receive farther directions from the health officer, or in his default from the governor of this state, or in his absence from the mayor or recorder of the aforesaid city; and all such commanders of vessels are strictly forbid from putting on shore any person who shall have belonged, or performed the voyage in such vessel, and from unloading or putting on board any boat or vessel, any person or persons, clothing, goods, merchandize or freight, from or out of his vessel until directions to that effect shall be given him pursuant to this act; and every master or commander of any vessel who shall give false information relative to the condition of his vessel, crew, passengers, freight or cargo or the health of the place or places whence she came, when hailed by any pilot, or shall, notwithstanding being forbid by such pilot, bring his vessel nearer the city than the ground assigned for quarantine, or land any passenger, or unlade any of his cargo, shall be considered guilty of a misdemeanor, and on conviction thereof, shall be fined by the court having cognizance of the same, in the sum of two hundred dollars for each offence; and every passenger or any other person on board such vessel departing therefrom, or unlading any of the cargo thereof without leave first obtained from the officer aforesaid, shall be considered guilty of a misdemeanor, and be punished, if convicted, in like manner as the master and commander last mentioned.

Penalty on persons putting sick persons ashore, or goods, &c. in certain cases

Penalty

X. *And be it further enacted*, That it shall be the duty of every pilot who conducts a vessel into the port of New-York, to take care that no violations of this act are committed by any person on board, and if any such are committed and not reported by such pilot to the health officer as soon as may be, such pilot shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding two hundred dollars: *And further*, That it shall be the duty of every such pilot, to deliver such printed extracts from this act as shall be entrusted to him by the health officer for that purpose, to every master of a vessel piloted by him into the port of New-York, and that every pilot for neglecting or refusing so to do, shall be deemed guilty of a misdemeanor, and punishable as last aforesaid.

Duty of pilots when bringing vessels into N. York. Sess. 34. c 175 sec. 10

Penalty.

XI. *And be it further enacted*, That it shall be lawful for the health officer, and he is hereby authorised and required without delay to enter on board every vessel coming into the port of New-York under the circumstances aforesaid, and there to make strict search, examination and inquiry, as to the health of the officers, seamen and passengers, and into the state and condition of the vessel, her cargo and contents respectively; and in order that he may be more effectually enabled to make examination whether vessels ought to be subject to quarantine, it shall be lawful for him to put all such questions to the persons on board as he may judge needful and proper to that end; and the persons to whom such questions shall be put, may be required to answer the same on oath, which oath he is hereby authorised to administer accordingly; and every person swearing falsely in the premises, shall be liable to the pains and penalties of wilful and corrupt perjury; or if any person shall oppose or obstruct the health officer in perform-

Powers of the health officer. Sess. 34. c 175 sec. 11

ing the duties required of him by this act, he shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding five hundred dollars.

Communica-
tion with cer-
tain vessels
Prohibited.
Sess. 34. c 175
sec. 12

Penalty.

Powers of the
justices of the
peace.

Penalties.

Bond to be ta-
ken by the
health officer
in certain ca-
ses.

How and when
put in suit.

Boats from
vessels per-
forming quar-
antine, not to
pass, etc. un-
less by a per-
mit.
Sess. 34. c 175
sec. 13
Penalty:

Duty of the
health com-
missioners
when masters,
etc. refuse to
remove their
vessels.
Sess. 34. c 175
sec. 14

XII. *And be it further enacted*, That if any person shall go on board, or have any communication or dealing with any vessel lying at the quarantine without permission first obtained in writing with the signature of the health officer, he shall be considered and adjudged guilty of a misdemeanor, and be detained at the quarantine as long as the board of health shall direct, not exceeding twenty days, unless such person be sick, and it is proper to detain him longer for that cause; and it shall be the duty of the health officer, to give immediate information of every such transgression, with the circumstances attending the same, and also of the condition of such vessel, to the board of health, that they may be enabled to determine how long the offender shall remain at the quarantine ground; and if such person, or any other person, put under quarantine by virtue of this act, should leave Staten-Island, after being informed by the health officer that he is so put under quarantine, it shall be lawful for any justice of the peace for the city and county of New-York, who upon examination of the case, may order and direct such officer to convey such person to the quarantine ground aforesaid, to be there confined by the health officer, or by such persons as he shall direct, for the remainder of his quarantine: *And further*, That every person transgressing as aforesaid, shall forfeit the sum of five hundred dollars, to be recovered by the health commissioners, or any one of them, in his or their own names, in any court having cognizance thereof: *And further*, That it shall be lawful for the board of health, or health officer, to take a bond from any person put under quarantine, in the name of the health officer, with one or more sureties, and in a sum not less than five hundred dollars, nor more than two thousand dollars, conditioned that such person shall not, during his time of quarantine, approach nearer to the city-hall of the said city of New-York, than the distance of three miles; and in case such bond be forfeited, the same may be put in suit and recovered by the said health commissioners, or any one of them, for the benefit of the said marine hospital.

XIII. *And be it further enacted*, That no boat from any outward or inward bound vessel shall land at the quarantine ground after sun-set, nor shall boats of any description at any time pass through the range of vessels lying at quarantine without the permission of the health officer, and that any person offending against any of these directions shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding fifty dollars.

XIV. *And be it further enacted*, That if the master, owner or consignee, of any vessel arriving in the port of New-York, shall neglect or refuse to remove such vessel to the place and in the time required by the health commissioners, it shall be the duty of the said commissioners, and they are hereby empowered to cause the same to be done, at the expense and risk of such master, commander, owner or consignee, and the monies so expended shall be recoverable by the said commissioners, with costs, by an action on the case in their own names, against such master, com-

maunder, owner or consignee, in any court having cognizance thereof.

XV. *And be it further enacted*, That every person keeping a boarding or lodging-house in the city of New-York, between the thirty-first day of May and the first day of November in any year, shall, within twelve hours after any seafaring man or sojourner shall become sick in such boarding or lodging-house, report in writing the name of such diseased person to one of the health commissioners, or to the board of health; and that no master of a vessel or any other person whatever, shall between the days aforesaid, remove any sick person from any vessel lying at any wharf or in the harbour of the city of New-York, before the name of such sick person has been reported to the health office, and a written permit granted for the purpose of such removal, and that any person neglecting or refusing to comply with either of these directions shall be considered guilty of a misdemeanor, and be fined in a sum not exceeding one hundred dollars, or to be imprisoned for a time not exceeding six months, by any court having cognizance thereof.

Persons keep-
ing boarders
or lodgers, to
give notice of
any sick sea-
faring person
at their house.
Sess. 34. c 175
sec. 15.

Penalty.

XVI. *And be it further enacted*, That cotton in bales which is the produce of any part of the United States, or the territories thereunto belonging, shall not be brought into the city of New-York, south of a line commencing at Spring-street, on the North river, running through the same to the Bowery, and thence down the Bowery to Grand-street, through Grand-street to Walnut-street, through Walnut-street to the East river, between the thirty-first day of May and the first day of October in any year : *And further*, That no such cotton arriving, which in the opinion of the board of health, or health officer, may be dangerous to be brought into the city, from death or sickness of malignant fever occurring on board vessels having the same on board, or from a pestilential fever prevailing at the place whence such vessels sailed; and no damaged cotton of any kind, nor any cotton from foreign ports shall be brought into the city of New-York during the period aforesaid, but shall be landed at the public stores at the quarantine ground; nevertheless it may be put on board outward bound vessels lying in the stream, (at least three hundred yards from the wharves of the city) which vessel shall not again approach nearer the said wharves with the said cotton on board, under the penalty of the said cotton being seized and sold by the health commissioners for the benefit of the marine hospital; and that all hides arriving in the port of New-York, between the thirty-first day of May and the first day of October in any year, shall be discharged at the quarantine ground, and if in a sound state may be taken to any place in said city, north of the said line, beginning at Spring-street, on the North river, and along said street to the Bowery, and from thence down the Bowery to Grand-street, and through Grand-street to Walnut-street, and through Walnut-street to the East river; but it shall be lawful to bring sound hides and sound cotton, the produce of the United States or territories thereof, from the quarantine ground or other places of deposit by water only, to be immediately taken on board of vessels while lying at any of the wharves of said city, for exportation

Cotton in
bales within a
certain period
not to be
brought into
N. York.
Sess. 34. c 175
sec. 16

Damaged
cotton also
prohibited.

Penalty.

Proviso.

or transportation out of the said city : *Provided*, That they are not re-landed therefrom in said city contrary to this act ; and should either of the above articles be brought into the said city contrary to the true intent and meaning of this act, they shall be seized and sold by the health commissioners, for the benefit of the marine hospital : *And further*, That no lighters shall be engaged to receive the cargoes of vessels discharged at quarantine but those permitted by the health officer.

Lighters, etc.
not to receive
cargoes in
certain cases.

Duty of physi-
cians having
patients with
the malignant
fever, etc.
Sess. 34. c 175
§ 17

Penalty.

XVII. *And be it further enacted*, That every person practising physic in the said city, who shall have a patient laboring under malignant, yellow, pestilential or infectious fever, shall forthwith make a report in writing to some one of the said health commissioners, and for neglecting so to do, he shall be considered guilty of a misdemeanor, and be fined in a sum not exceeding fifty dollars.

Comm'rs. may
remove per-
sons, etc. to
the marine
hospital.
Sess. 34. c 175
§ 18

XVIII. *And be it further enacted*, That all persons in the city of New-York, not being residents thereof, sick of a pestilential fever, and all things within the said city which, in the opinion of the health commissioners, shall be infected by, or tainted with, pestilential matter, and ought to be removed from the said city, shall, by the order of the said commissioners, be sent to the marine hospital.

Such persons
if able to pay
for their board
etc.
Sess. 34. c 175
§ 19

XIX. *And be it further enacted*, That all persons removed to the said marine hospital, other than those who have paid hospital money, shall be liable to pay a reasonable sum for their board, medicine and attendance therein ; and if any of them, deemed to have sufficient means, shall refuse or neglect to pay such sum as they may be reasonably charged with, the same shall be sued for and recovered from them by the said commissioners, by an action on the case in their own names.

Marine hospi-
tal declared.
Sess. 34. c 175
§ 20

XX. *And be it further enacted*, That the hospital erected on the easterly part of Staten-Island, shall continue to be denominated the marine hospital, and shall, together with the other buildings and improvements made, or to be made, thereon, by the said commissioners, with the approbation of the person administering the government of this state, or in his absence, the mayor of the said city, and the land adjoining the same and belonging to the people of this state, be holden by the health commissioners in trust for the use of the people of this state, and the purposes specified in this act : And all vessels subject to quarantine, shall come to anchor as near as may be to the said hospital, which is hereby declared to be the anchoring place for vessels at quarantine, between the fifteenth day of April and the first day of November, and the remainder of the year, off the battery, in the East or North river : That the said health officer shall be physician of the said hospital, and the said commissioners shall, in other respects, have the superintendence thereof, and employ mates, nurses and attendants therefor, and provide bedding, clothing, fuel, provisions, medicine, and such other matters as shall be requisite therein ; and it shall be lawful for them to make reasonable rules and orders for the government and management of the said hospital ; and the said commissioners shall also, at all times, furnish a convenient boat for the use of the health officer, with men sufficient to row the same.

Anchoring
ground declar-
ed.

Duty of health
officer.

XXI. *And be it further enacted,* That no person, unless authorised by the health officer or board of health, shall go within the enclosure of the quarantine ground, and that every person so transgressing, shall be considered guilty of a misdemeanor, and fined in a sum not exceeding one hundred dollars, or be imprisoned for a time not exceeding thirty days, by any court having cognizance thereof.

Persons, unless by a permit, prohibited from going within the quarantine ground.
Sess. 34. c 175 § 21
Penalty.

XXII. *And be it further enacted,* That every diseased person duly landed or sent to the marine hospital, shall be there kept and maintained until the health officer shall grant him or her a discharge in writing; and if, before obtaining a discharge as aforesaid, any such person shall elope, or be absent beyond the line limited and designated as above mentioned, it shall be lawful for the health officer, or any constable or other person whom he shall call to his assistance, and they are hereby enjoined and required, to pursue and apprehend the person so eloped or absent, and there again to deliver him or her, to be detained until discharged as aforesaid; and any person so eloping or absentsing himself or herself from the marine hospital, or any diseased person in the marine hospital refusing or neglecting to obey the directions of the health officer, and the orders and regulations of the health commissioners, shall be considered as guilty of a misdemeanor, and as such shall be punishable by any court having cognizance thereof.

Sick persons at the marine hospital to remain there till discharged.
Sess. 34. c 175 § 22

Penalty.

XXIII. *And be it further enacted,* That colours, designating a vessel subject to quarantine, shall be fixed in the main shrouds, half way between the main deck and the topmast of such vessel, and there remain until the expiration of her quarantine; and that if the master or commander of any such vessel shall not comply with this direction, or if the master or commander of any vessel not subject to quarantine shall exhibit such signal, or continue such signal after being ordered by the health officer to remove it, he shall forfeit for every such offence the sum of fifty dollars, and the further sum of three dollars for every hour he shall so offend, to be recovered by the health commissioners with costs, in any action of debt in their own names, in any court having cognizance thereof.

Colours of vessels performing quarantine to be placed in the shrouds, half mast.
Sess. 34. c 175 sec. 23

Penalty.

XXIV. *And be it further enacted,* That upon complaint being made in writing, by one or more of the health commissioners, to the wardens of the port of New-York, charging any pilot with neglect or violation of any of the duties herein prescribed or enjoined upon him, it shall be the duty of the said wardens of the port forthwith to suspend such pilot from piloting any vessel, until he shall have entered into recognizance, before one of the justices of the peace for the city and county of New-York, in the sum of two hundred dollars, with sufficient sureties, to answer to the offence wherewith he is charged, at the next general sessions of the peace to be held in the city and county of New-York, which offence the said court is hereby authorised to try and determine, and to impose such fine as they may deem proper, not exceeding the sum of two hundred dollars; and it shall be the duty of every pilot who shall conduct any vessel subject to quarantine into the port of New-York, to bring said vessel to anchor

Penalty on pilots violating this act.
Sess. 34. c 175 sec. 24

within the buoys marking the quarantine anchorage; and every pilot neglecting or refusing to perform any duties required of him by this act, or permitting any vessel or boat to come along side of such vessel which such pilot shall have the direction of, or permitting any thing to be thrown into such vessel or boat, shall, in addition to the above penalties, forfeit for every such offence the sum of twenty-five dollars, to be recovered by the health commissioners with costs, in an action of debt in their own names, in any court having cognizance thereof.

Bedding, etc.
may be de-
stroyed by
health officer.
Sess. 34. c. 175
sec. 25
And also the
cargo in cer-
tain cases.

XXV. *And be it further enacted*, That it shall be lawful for the health officer, whenever he shall judge it necessary to prevent infection, to cause any bedding or clothing arriving in a vessel subject to quarantine to be destroyed; and it also shall be lawful for the board of health in said city, whenever they or a majority of them shall judge it necessary, to cause any cargo or part of a cargo that may be putrid, or in their opinion dangerous to the health of said city, to be in like manner destroyed.

Compensation
to commiss'rs.
Sess. 34. ch.
175 § 26

XXVI. *And be it further enacted*, That the said commissioners, or either of them, are hereby authorised and required to demand and receive, and in case of neglect or refusal, to sue for and recover in their own names, or in the names of either of them, with costs of suit, from the captain or commander of every vessel which shall hereafter enter the port of New-York from any foreign port the following sums of money, to wit: for each captain or commander, or cabin passenger, one dollar and fifty cents; for each steerage passenger, mate, sailor or mariner, one dollar; and from each master, mate, sailor or mariner of every coasting vessel which shall hereafter enter the said port, twenty-five cents, which several sums shall be demandable of the captain or commander of every such vessel, and on payment thereof every such captain or commander shall and may lawfully demand and receive from every such person on whose account respectively the same shall have been paid, the monies so paid; and the said monies so to be received by the said commissioners, or either of them, shall be appropriated to the use of the said marine hospital, deducting therefrom the sum of two and an half per cent, which they are hereby authorised to retain as a compensation for collecting the same: *Provided*, That the coasting vessels coming from the states of New-Jersey, Connecticut and Rhode-Island, shall not pay oftener than once in each month.

Monies how
appropriated.

Proviso.

Compensation
to resident
physician and
the other com-
missioners
Sess 34. c. 175
sec. 27

Physician of
the hospital

XXVII. *And be it further enacted*, That the compensation of the resident physician, and of the other commissioners, other than the health officer, shall be to each of them one thousand dollars per annum, to be paid out of the monies by this act appropriated for the use of the said marine hospital, and that the health officer shall be entitled to receive, as physician to the said hospital, the sum of four hundred and fifty dollars per annum, to be paid as aforesaid, and also for his services, in searching and examining vessels from foreign ports in pursuance of this act, the sum of six dollars and fifty cents for each vessel so by him examined, to be paid by the master or commander of the same; and the health officer shall also be entitled to receive from the master or commander of every vessel arriving in the port of New-York, from

Health officer

any port, island or other place in the United States south of Cape Henry, between the thirty-first day of May to the first day of October, in any year, the sum of three dollars for each vessel above one hundred and sixty tons, and the sum of two dollars for each vessel not exceeding one hundred and sixty tons nor less than one hundred tons, and the sum of one dollar for each vessel below one hundred tons so visited by him: *And further*, It shall be lawful for the health officer to appoint an assistant who may perform all the duties required of said health officer, but for whose conduct he shall be responsible, and such assistant shall take an oath well and faithfully to execute the duties of his said office.

May appoint
an assistant

XXVIII. *And be it further enacted*, That it shall be the duty of the said commissioners to account annually to the comptroller for all monies received by them for the use of the marine hospital; and if the same shall in any one year be more than sufficient to defray the expense of executing the trust committed to them, exclusive of such expenses as are to be borne and paid as a part of the contingent charges of the city of New-York, and including the annual compensations herein before granted to the said commissioners, then and in such case the health commissioners shall invest it in such stock of the United States, or other securities as the governor of this state may direct, the interest of which the said commissioners may receive for the use of the marine hospital, but the said stock or securities shall not be disposed of unless the receipts should at any time be insufficient for the purposes of the said marine hospital, when it shall be lawful for the person administering the government of this state, upon the application of said commissioners, to direct them to dispose of as much thereof as will pay such deficit: *And further*, That whenever a competent sum shall have been accumulated from the surplusses of several years, sufficient to commence the building of stone or brick hospitals in the place of the present wooden ones, then, on application by the health commissioners to the governor of this state, he may direct said commissioners to dispose of said stock or securities for such purpose.

Commissioners
to account
with comp-
troller.
Sess. 34. c. 175
sec 23

Monies how
vested

XXIX. *And be it further enacted*, That no salted provisions shall be packed or re-packed at any season of the year in that part of the city of New-York lying to the southward of a line drawn from the outlet of Lispenard's meadow, and thence following the course of the canal until it intersects Grand-street, and thence through Grand-street to where it intersects Walnut-street, then down Walnut-street to the East river; and that from the first day of May to the first day of October in any year no salted or pickled beef or fish, in barrels or half barrels, except smoked beef and fish, shall be deposited in the above limits; and all such articles, together with hides and cotton, that may have been deposited in said city south of said line prior to the first day of May, and shall there remain on the first day of June, shall be reported by the owner or person having charge of the same to the board of health, that they may have the same examined from time to time, and removed, if in their opinion it be necessary, to prevent any evil which may arise therefrom, excepting such provisions

Salted provi-
sions not to be
re-packed
within certain
limits
Sess 34. c. 175
sec 29

Salted beef or
fish, hides,
cotton, etc.
not to be de-
posited in cer-
tain parts

as shall be exposed for sale by butchers in the public markets, or shall be kept by the heads of families for the use of their respective families, and that every person offending in the premises shall be considered guilty of a misdemeanor, and upon conviction thereof, shall be fined for each offence in a sum not exceeding five hundred dollars, or be imprisoned for a time not exceeding six months by any court having cognizance thereof.

Penalty

Powers of
mayor and
board of
health
Sess 34. c 175
sec 30.

XXX. *And be it further enacted*, That it shall be in the power of the mayor of the said city, or of the board of health to order to the quarantine ground or some other place of safety, any vessel or vessels at the wharves or in the vicinity of the said city which he or they may deem prejudicial to the public health, and in case any master, owner or consignee of such vessel shall refuse or neglect to obey such order, the person so offending shall be considered guilty of a misdemeanor, and shall be fined in a sum not exceeding one thousand dollars, or be imprisoned for a term not exceeding twelve months, and also in case the master, owner or consignee cannot be found, or shall refuse or neglect to obey such orders, the mayor of the city of New-York or the board of health shall have power to remove as aforesaid such vessel or vessels at the expense of the master, owner or consignee.

Nuisances not
to be affected
by this act
Sess 34. c 175
sec 31.

Provision as
to Albany,
Hudson, etc.
with regard to
infected per-
sons, etc.
Sess 34. c 175
sec 32.

XXXI. *And be it further enacted*, That nothing in this act shall be construed to interfere with the remedies against nuisances prescribed by the common law.

XXXII. *And be it further enacted*, That all vessels having on board any person infected with any malignant or pestilential fever, or coming from any place whatsoever infected therewith, shall not come into any other of the ports or harbors of this state, until they shall have performed quarantine for such time and in such manner as the persons herein after mentioned shall think proper to direct, to wit: For the cities of Albany and Hudson, and upon Hudson river opposite to the said cities, and within one mile above or below the same, the person administering the government of this state, and in his absence from the said cities respectively, the mayor, and in his absence the recorder of the said cities respectively, and for any town in this state bordering or lying upon any port or harbor of this state, and upon the waters opposite to the same towns, any two or more justices of the peace residing therein, and if any person subject to quarantine as aforesaid, shall violate any of the regulations to be prescribed respecting the same as aforesaid, he shall be considered guilty of a misdemeanor, and shall be fined by any court having cognizance thereof, in a sum not exceeding five hundred dollars.

Penalty.

This act how
executed in
Albany, Hud-
son, and in
any town
Sess 34. c 175
sec 33.

XXXIII. *And be it further enacted*. That it shall be lawful for the said persons hereby authorised to execute this act in the cities of Albany and Hudson, and for any two or more justices of the peace in any town in this state to take effectual measures to prevent the introduction and spreading of any infectious distemper into any part of this state, and for that purpose to stop, detain and examine any person coming from any place infected with any such malignant or pestilential fever; and if there shall be good cause to suspect any person to be infected therewith, it shall be lawful for the several persons aforesaid, to cause every such per-

son not being an inhabitant thereof, to be sent out of this state, or kept in such place as will not expose the inhabitants of the same to take such distemper: *And further*, To appoint and authorise such and so many persons to aid in the execution of their powers aforesaid, as they shall respectively deem proper.

XXXIV. *And be it further enacted*, That it shall be lawful for the person administering the government of this state by and with the consent of the council of appointment, to appoint a physician in each of the cities of Albany and Hudson, to assist in carrying into effect the provisions contained in the two preceding sections of this act; and such physician who shall examine any vessel coming from a foreign port, shall be entitled to receive from the commander thereof, the sum of seven dollars and fifty cents.

Health physician in Albany and Hudson
Sess 34. c 175
sec 34.

XXXV. *And be it further enacted*, That all fines and penalties imposed by this act, shall and may be sued for and recovered by the health commissioners in their names or the name of any one of them, and shall be received and applied by them towards defraying the expenses of the marine hospital.

Penalties under this act how recoverable
Sess 34. c 175
sec 35.

XXXVI. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence.

Persons sued for things done under this act may plead general issue
Sess 34. c 175
sec 36.
Certain acts, etc. repealed
Sess 34. c 175
sec 37

XXXVII. *And be it further enacted*, That all acts and parts of acts of the legislature of this state, inconsistent with the provisions contained in this act, or which come within the purview thereof, be, and the same are hereby repealed.

[*Note*.—As early as the year 1758, the colonial assembly made provision by law against the introduction of infectious diseases, &c.—*vide* S.&L. v. 2. 137.—V. S. v. 1. 368. Several acts were afterwards passed on the same subject by the colonial legislatures. In 1784, the legislature of the state made the first provision by law with regard to infectious diseases, &c.—*Vide* J.&V. v. 1. 150. The following are some of the acts of parliament on this subject: 1. Jac. c. 31. § 7—9. Ann. c. 2—7 Geo. 1. c. 3—8. Geo. 1. c. 8—1. Geo. 2. c. 13—6. Geo. 2. c. 34—7. Geo. 3. c. 35. &c. &c.]

CHAP. LXXXIV.—(R.L.)

An ACT concerning the Fund for the Encouragement of Common Schools.

Passed April 9, 1813.

[Gr. v. 3. 248, 326, 397.—K.&R. v. 2. 251, 253, 254.—W. v. 4. 126.—Sess. 33. ch. 196.—Sess. 34. ch. 55.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the nett proceeds of the vacant and unappropriated lands of the people of this state, sold since the second day of April, one thousand eight hundred and five, and of so much of the residue of said lands as will complete the quantity of five hundred thousand acres, and shall be first sold hereafter by the surveyor-general, in pursuance of the act, entitled “an act for the sale of the unappropriated lands, and for other purposes,” and all surplus monies that may be received

A certain fund in monies, lands and revenue, permanently appropriated for the support of common schools.
W. v. 4. 126
Sess. 28. ch. 66
§ 1.—Sess. 33. c. 196, § 5

[Note.—There seems to be no general provision in England for encouragement of schools, &c.] into the treasury from the several clerks of the supreme court, for the fees, perquisites and emoluments of their respective offices, after deducting therefrom the compensation allowed by law to such clerks, together with the monies directed to be paid into the treasury, by the bank of America and the city bank of New-York, shall be and are hereby appropriated as a permanent fund for the support of common schools.

Monies arising from the school fund to be loaned on interest. Sess. 33, ch. 159, § 2.

For what time, in what manner, and on what security.

Proviso.

Time of payment to borrowers of monies heretofore made, extended on certain conditions to a certain time. Sess. 34, ch. 55, § 1.

Proviso.

Further proviso, as to demanding additional security.

The same extension of time given to loans not yet due, &c. Sess. 34, ch. 55, § 2.

The comptroller shall annually ascertain the interest due on loans, &c.

II. *And be it further enacted*, That it shall be the duty of the comptroller to loan the monies now in the treasury, or that may hereafter come into the treasury, belonging to the school fund, and not otherwise directed by law to be loaned or applied, for a term not exceeding two years, with interest at the rate of seven per cent per annum, to any citizen of this state on security to be given to the comptroller in the name of the people of this state, by mortgage, on improved and unincumbered lands within this state, then in the actual possession of the borrower, and of double the value of the sum so to be borrowed, exclusive of any buildings thereon, which said monies are to be loaned at the rate of seven per centum per annum: *Provided always*, That no more than one thousand dollars shall be loaned to any one borrower.

III. *And be it further enacted*, That the payment of the loans heretofore made of monies belonging to the said fund is hereby extended to the first day of July, which will be in the year of our Lord one thousand eight hundred and fifteen, to such borrowers as shall on or before the first day of July next pay all arrears of interest and all costs of prosecution then accrued: *Provided however*, and this extension of payment is on the express condition, that an interest of seven per centum per annum, from the twenty-second day of March, in the year of our Lord one thousand eight hundred and eleven, shall be paid on all of the said loans which remained due and unpaid on the first day of July, one thousand eight hundred and eleven, and the like rate of interest on all loans which became due after the said first day of July, one thousand eight hundred and eleven, from the time they respectively became payable: *And provided further*, That at any time when in the opinion of the comptroller any of the said money is not sufficiently secured, he shall and may demand further security from each and any of the borrowers of said money, and upon the refusal of any borrower to comply with such demand, and to give further security as aforesaid, such borrower shall not be entitled to the benefit of this act.

IV. *And be it further enacted*, That the time for the payment of such of the said loans as are not yet due, and shall fall due before the first day of July, one thousand eight hundred and fifteen, shall be and hereby is extended to that time, on the condition, that after they shall so fall due, an interest of seven per centum per annum be paid thereon.

V. *And be it further enacted*, That in order to insure punctuality in the payment of the interest, it shall be the duty of the comptroller, on the first day of July in every year, to ascertain, whether any arrears of interest shall be due on any of the said loans, and to deliver to the attorney-general all such mortgages

on which arrears of interest may then remain due, in order that prosecutions may be instituted for the recovery thereof, together with the principal, if the same shall also be due. Sess. 34, ch. 55, § 3

VI. *And be it further enacted*, That the comptroller and treasurer shall severally keep distinct and separate accounts of all monies which may be received as aforesaid into the treasury from the clerks of the said supreme court, and of all monies paid out for their said compensation. Comptroller and treasurer to keep separate accounts of monies, etc. Sess. 33, ch. 195.

TENTH SESSION.—CHAP. LXVI.

*An ACT for the more effectual Punishment of Persons who shall be guilty of the Trespasses therein mentioned, in the Cities of New-York, Albany and Hudson, and the Township of Schenectady.**

Passed 24th March, 1787.

[K. & R. v. 2. 185.]

WHEREAS evil minded persons have often broken, taken down or carried away the glass lamps hung out or fixed up before the dwelling-houses of many of the inhabitants, and in the streets of the city of New-York, to illuminate the streets aforesaid, in the night time, or have extinguished the lights therein, and have also been guilty of breaking glass windows, porches and knockers of doors in the said city, and in the cities of Albany and Hudson and township of Schenectady, and of committing other trespasses and enormities, injurious to the property of the inhabitants and to the disturbance of the peace in the said respective cities and township : For prevention whereof in future, Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That if any person shall, after the passing of this act, wilfully break, take down or carry away any glass lamp already hung or fixed, or hereafter to be so hung or fixed as aforesaid, in any of the streets of the said cities or township, or extinguish the lights therein, or be aiding or abetting in the same, or shall wilfully break or deface any glass window, porch, knocker or other fixture, in any of the said cities or township, and shall be thereof convicted before the mayor, recorder or any one of the aldermen of the said cities respectively, or before any justice of the peace residing in the township aforesaid, either by the confession of the party, or by the oath of one or more credible witness or witnesses, he or she shall, for every such offence, forfeit a sum not exceeding ten pounds lawful money of this state, to be recovered with costs, and levied by distress and sale of the goods and chattels of every such offender, by warrant under the hand and seal of such mayor, recorder, alderman or justice before whom such offender shall be convicted; one moiety of which forfeiture when recovered to be paid to the treasurer or chamberlain of the Penalty on persons breaking lamps. How recovered and applied.

[*Note.—This act still remains in force, although the powers given to the Common Councils of New-York, Albany, Hudson and Schenectady, embrace the very subject of this act.]

said cities respectively, for the time being, to be applied for the purposes of providing new lamps in the room of such as shall be so taken out or carried away, and for repairing such of them as shall be broken or injured as aforesaid, and for the support and maintenance of the poor of such respective cities or township where such offences shall be committed; and the other moiety of such forfeiture to be paid to the person or persons who shall prosecute for the same to effect.

On refusal to pay, offender to be imprisoned.

II. *And be it further enacted by the authority aforesaid,* That upon refusal of payment of such respective forfeiture or forfeitures, and want of sufficient distress whereon the same can be levied, it shall and may be lawful for such mayor, recorder, alderman or justice of the peace before whom such conviction or convictions shall take place, by warrant under his hand and seal, to commit every such offender, if convicted in the city of New-York, to the bridewell or house of employment of the said city; if convicted in the cities of Albany or Hudson, to the common gaol of the same cities respectively, and if convicted in the township of Schenectady aforesaid, to the common gaol of the city and county of Albany, there to remain without bail or mainprize for the space of two months, or until such forfeiture and costs are paid; and if any such offence shall be committed by any apprentice, servant or slave, such forfeiture shall be paid by his or her master, mistress or owner, or in default thereof, such apprentice, servant or slave shall be committed to such bridewell or gaol in manner aforesaid.

And whereas the mischiefs aforesaid are generally committed in the night time, when the offenders cannot be easily known: in order, therefore, to carry this act into effect,

Offenders unknown, to be detained till morning.

III. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for any sheriff, deputy sheriff, constable, marshal or watchman, of the said cities and township aforesaid, who shall see any person commit any of the mischiefs or trespasses in either of the cities or the township aforesaid, if such person or persons shall be unknown to such sheriff, deputy sheriff, constable, marshal or watchman, to seize, secure and detain such offender so unknown to him as aforesaid, until he can discover the name of such offender, or until the next morning, if the offence shall be committed in the night time and the offender shall refuse to discover his or her name, when such offender shall be brought before the mayor, recorder, or one of the aldermen of the said cities respectively, or justice of the peace residing in the township aforesaid, who on conviction of such offender, shall proceed against him or her in the manner herein before directed: *And further,* In case any person shall commit any or either of the offences aforesaid in the presence of any such sheriff, deputy sheriff, constable, marshal or watchman, that then every such sheriff, deputy sheriff, constable, marshal or watchman, shall forthwith give information thereof to such mayor, recorder, alderman or justice of the peace, in order that such offender may be convicted thereof and punished in manner and form as by this act is directed.

This act no bar to suits for damages.

IV. *And be it further enacted by the authority aforesaid,* That this act, or any thing herein contained, shall not bar or preclude

any person or persons from recovering his, her or their damages against any other person or persons who shall be guilty of any of the mischiefs or trespasses aforesaid, but that the same may be recovered in the same manner as if this act had never been passed.

V. *And be it further enacted by the authority aforesaid,* That every person who shall or may be present when any of the mischiefs or trespasses in this act mentioned shall be committed, shall be deemed to be guilty thereof, and be subject to the penalties inflicted by this act, although he or she shall not be aiding, abetting or assisting therein, unless such person shall give evidence whereby to convict the person or persons really guilty thereof, or unless he or she shall declare upon oath that he or she came there accidentally, and that he or she doth not know who the offender or offenders is or are.

Who are to be deemed guilty

And for the more easy discovery and detection of such offenders,

VI. *Be it further enacted by the authority aforesaid,* That if two or more persons shall have been jointly concerned in committing any of the offences aforesaid, and one or more of them (not being before informed against) shall, within the space of one month after the offence committed, inform against any or all the other or others concerned in the same offence, so as to convict him, her or them, the person so informing shall not be liable to the payment of the forfeiture herein before mentioned, but shall, notwithstanding his or her offence, be entitled to the reward herein before allowed to informers, any thing herein before contained to the contrary thereof in any wise notwithstanding.

Informers not fineable.

TWENTY-FIFTH SESSION.

[The following acts and parts of acts relative to *aliens* are deemed of sufficient importance to merit publication, as many titles to land may have been secured under them.]

CHAP. XLIX.

An ACT to enable Aliens to purchase and hold Real Estates within this State, under certain restrictions therein mentioned.

Passed March 26, 1802.

[W. v 3. 46.]

WHEREAS many good and industrious persons, being aliens, have emigrated to this state, with an intention to settle and reside therein, and have expended the greater part of their capital in purchasing and improving real property : and whereas such emigrations have tended to promote as well an improvement in the agriculture as the manufactures of the state ; and it is deemed just and right not only to protect the property which they have acquired, but also to encourage others to settle and reside within this state, by enabling them to purchase and hold real property : Therefore,

Preamble

Alien inhabitants, purchasers of lands made by them valid

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all purchases of lands made or to be made by any alien or aliens who have come to this state and become inhabitants thereof, shall be deemed valid to vest the estate to them granted, and it shall and may be lawful to and for such alien or aliens, to have and to hold the same to his, her or their heirs or assigns for ever, and to dispose of the same, any plea of alienism to the contrary thereof notwithstanding : *Provided,* That any purchase hereafter to be made by any such alien, does not exceed one thousand acres.

Provided they do not exceed 1000 acres

Aliens on selling their lands capable of taking mortgages

II. *And be it further enacted,* That in case any alien or aliens shall sell and dispose of any real estate, which by law they are entitled to hold and dispose of, or which they may hereafter hold in virtue of this act, such alien or aliens, his, her or their heirs or assigns, shall and may, and are hereby declared capable of taking a mortgage in his, her or their own name or names, as a collateral security for the purchase money due thereon, or any part thereof.

Titles of lands derived from aliens not to be impeached

III. *And be it further enacted,* That the title of any citizen or citizens of this state, to any land or lands within this state, heretofore conveyed to such citizen or citizens, and now in the actual possession of such citizen or citizens, shall not be questioned or impeached, by reason of the alienism of any person or persons, from or through whom such title may have been derived : *Provided,* That nothing in the said last clause contained, shall extend to the military or bounty lands so called, in the counties of Onondaga and Cayuga.

Provided they are not for military or bounty lands

Recording of certain conveyances, time for extended

VI. *And be it further enacted,* That all and every conveyance or conveyances executed in pursuance of the act, entitled " an act to enable aliens to purchase and hold real estates within this state under certain restrictions therein mentioned," and which have not been recorded agreeably to the directions of the said act, shall and may be recorded within twelve months after the passing of this act, and the lands thereby conveyed, shall not in such case enure, or be deemed to enure to the use of the people of this state.

[Decisions relative to *aliens*, &c. 1 John. ca. 399—2 Ibid. 407—3 Ibid. 109—2. John. Rep. 381—3 Ibid. 1—4 Ibid. 75—7 Ibid. 214—9 Ibid. 303—10 Ibid. 69, 117, 183.]

An ACT for the Payment of certain Officers of Government, and for other Purposes.

Passed April 10, 1804.

[W. v. 3. 646. § 26]

Privileges of certain acts extended to aliens, etc.

XXXI. *And be it further enacted,* That all the provisions in favor of aliens contained in the act entitled " an act to enable aliens to purchase and hold real estates within this state, under certain restrictions therein mentioned," passed the twenty-sixth day of March, one thousand eight hundred and two, shall be and hereby are extended to all aliens who shall have come to this state and become inhabitants thereof at the time of passing this act.

CHAP. XXV.

An ACT to extend the act, entitled "an act to enable Aliens to purchase and hold Real Estates within this state, under certain restrictions therein mentioned."

Passed March 2, 1805.

[W. v. 4. 31.]

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the provisions in favor of aliens contained in the act, entitled "an act to enable aliens to purchase and hold real estates within this state, under certain restrictions therein mentioned," passed the 26th of March, 1802, shall be and hereby are extended to all aliens who may have come into this state, and become inhabitants thereof, at the close of the present session of the legislature.

CHAP. CXXIII.

An ACT to enable certain persons therein named, to purchase and hold Real Estate.

Passed April 4, 1807.

[W. v. 5. 141. § 2.]

II. And be it further enacted, That the title of any citizen or citizens of this state, to any land or lands within this state, heretofore conveyed to such citizen or citizens, and now in the actual possession of such citizen, shall not be questioned or impeached by reason of the alienism of any person or persons from or through whom such title may have been derived.

CHAP. CLXXV.

An ACT to extend the act, entitled "an act to enable Aliens to purchase and hold real Estates within this State, under certain restrictions therein mentioned."

Passed April 8, 1808.

[W. v. 5. 354. § 1, 2.]

1. Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That all the provisions in favor of aliens contained in the act, entitled "an act to enable aliens to purchase and hold real estates within this state, under certain restrictions therein mentioned," passed the 26th day of March, one thousand eight hundred and two, shall be and hereby are extended to all aliens who may have come into this state and become inhabitants thereof at the close of the present session of the legislature.

II. And be it further enacted, That all persons authorised to acquire real estate by purchase by this act, or the act hereby extended, may also take and acquire by devise or descent: Provided, That nothing herein shall be construed to confer on them

any other rights appertaining to natural born citizens, except those of taking, holding and disposing of real property within this state.

CHAP. CLXXXVIII.

An ACT to amend the act, entitled "an Act for regulating Trials of Issues, and for returning able and sufficient Jurors, and for other purposes."

Passed March 30, 1809.

[W. v. 5. 570. § 2.]

Capitol, or new state house in Albany, 5000 dolls. appropriated towards finishing it. Courts when to be held therein. Writs, &c. returnable at, after 1st August next.

II. *And be it further enacted*, That the sum of five thousand dollars, in addition to the sum granted this session, be and hereby is appropriated for the completion of the public building in the city of Albany, which building shall hereafter be denominated The CAPITOL, and that the said money shall be paid by the treasurer to the commissioners appointed to superintend the erection of the said building: and from and after the first day of August next, the courts of justice, other than justices courts and courts of special sessions held in the said city, may be held in the said capitol, and writs and process which are now by law required to be returnable to the city-hall, shall thereafter be returnable at the capitol in the city of Albany.

ACTS ORGANIZING THE MILITIA.

The acts *organizing the militia* are omitted. A revised bill was laid before the legislature at the last session, but was not acted upon for want of time. The same bill will again be presented at the next session and probably pass into a law. The present acts, therefore, are deemed merely *temporary*, and as such not proper to be inserted in this volume.

THIRTY-SIXTH SESSION.

CHAP. CXXXI.

An ACT for the preservation of the Fishery in certain waters therein mentioned.

Passed April 5, 1813.

[S. sess. 36. 206.]

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any person to draw any seine, set any net, or make any weir, in any of the small streams within the town of Mexico, Richland and Scriba, or in Nine mile creek, Red creek, and the two branches of Sodus creek, leading into Lake Ontario, or within fifty rods from the mouth thereof, to divert salmon in their usual

course in going up the said streams, and every person offending therein, shall, for every such offence, forfeit ten dollars, besides the value of the salmon he may take by such seine, net or weir, to be recovered with costs of suit, in any court having cognizance thereof, the one half of which forfeitures, when recovered, shall be paid to the prosecutor, and the other half to the overseers of the highways of the town where such recovery shall be had, to be applied to the repairing of the roads in such town.

CHAP. CCHIII.

An ACT for the payment of certain Officers of Government, and for other purposes.

Passed April 13, 1813.

[S. sess. 36. 326.]

XXIX. *And be it further enacted*, That the provisions of the act, entitled "an act concerning slaves and servants," relative to the importation and exportation of slaves, shall not be construed to extend to cases where persons residing within and near the boundary line of this state, and owning and occupying land over the said line in a neighbouring state, shall bring such slaves into or take them out of this state for the purpose of cultivating the land which he may so own and occupy in either state.

Act relative to slaves and servants amended.

XLI. *And be it further enacted*, That no one of the deputies or assistants of the superintendent of the salt-springs shall hereafter be directly or indirectly concerned in any salt-works, (except by evaporation otherwise than by fire) and the said superintendent shall appoint in each of the three villages in which salt is or shall be manufactured under his superintendence, an assistant deputy to act only in case of the absence of such deputy, one of whom shall attend constantly at some known office of inspection, to be established and pointed out as such by a suitable sign placed in a conspicuous place, from the rising to the setting of the sun, on each day of the week, Sabbath excepted, for the purpose of inspecting all salt sold in said villages, and receiving the duties thereon.

Deputies of superintendent of salt springs prohibited from being concerned in salt works.

XLIX. *And be it further enacted*, That nothing in the first section of the act, entitled "an act for the relief of debtors from the imprisonment of their persons," shall be deemed or construed to extend to imprisonment of plaintiff, or lessors of the plaintiff for costs only, in any suit hereafter to be brought.

First section of the act for the relief of debtors, etc. amended.

TWENTY-FIFTH SESSION.

CHAP. LXXXV.

An ACT designating the Duties of the Commissary of Military Stores, and relative to the Arsenals and Public Stores.

Passed April 1, 1802.

[W. v. 3. 54.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of

Duty of commissary in respect to the

collection of the public arms, cannon, etc.

In respect to their safe keeping, repairing, etc.

To report a state of the public stores to the gov.

With consent of the gov. to sell damaged powder.

To account for and pay the proceeds of all such sales.

To keep in good repair the arsenals, etc.

Gov. to prescribe rules for direction of the commissary.

To report to the legislature annually a state of the premises confided to the commissary. Expenses incurred by the commissary, how paid.

the commissary of military stores, and he is hereby required and directed, with all convenient dispatch, to collect and deposit in the arsenals, stores and proper repositories, all the arms, cannon, accoutrements, powder, balls, warlike stores, and implements of every description, the property of this state; and at all times hereafter carefully to attend to the due preservation, safe keeping, cleaning and repairing of the same, in such manner as he shall from time to time be required and directed to do, by the person administering the government of this state, who is hereby authorised from time to time, in his discretion, to order and direct whatever relates to or shall or may be necessary in and about the premises.

II. *And be it further enacted*, That it shall be the duty of the said commissary of military stores, and he is hereby required to report to the person administering the government of this state, at least once in every six months, the true and actual state, disposition and situation, of all and singular the warlike stores, property, matters and things, intrusted to his care and superintendence, and whatever in any wise appertains to or respects his department as commissary of military stores.

III. *And be it further enacted*, That it shall be the duty of the said commissary of military stores, under the direction and with the approbation of the person administering the government of this state, from time to time, as occasion may require, to dispose of to the best advantage, all damaged powder, and all arms, ammunition, accoutrements, tools, implements, and warlike stores of every kind whatsoever, that shall or may be deemed to be unsuitable for the use of the state, and from time to time to render a just and true account of all such sales, with all convenient speed, to the person administering the government of this state, and pay the proceeds of such sales into the treasury of this state.

IV. *And be it further enacted*, That it shall be the duty of the commissary of military stores, and he is hereby required, without delay, to cause all and every of the arsenals, stores and repositories of warlike implements, to be put, kept and continued, in perfect, complete and ample repair, under the direction and control of the person administering the government of this state.

V. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state, and he is hereby required from time to time, at his discretion, to order, form and establish all necessary rules, regulations and orders, in any wise relative or appertaining to the conduct and duties of the commissary of military stores; and that it shall be also his duty to report annually to the legislature, a true and particular state and situation of all and singular the premises confided to or in any wise connected with the said commissary.

VI. *And be it further enacted*, That a just and true account of all and singular the expenses necessarily incurred in and about the above premises, shall, by the said commissary of military stores, be fairly and particularly stated and kept, and once at least in every six months be delivered to the person administering the government of this state, who shall thereupon direct the comp-

troller of this state to examine and audit the same; and after such examination and auditing, the said comptroller shall, and he is hereby required, to draw his warrant on the treasurer, who is hereby required to pay the same, for such sum or sums as shall be audited and certified to be due as aforesaid.

VII. *And be it further enacted*, That the annual salary of the said commissary of military stores shall be increased to five hundred dollars, to be paid quarter yearly.

His salary increased to 500 dollars per annum.

CHAP. C.

An ACT making an additional Allowance to the Commissary and Deputy Commissary of Military Stores, and for other Purposes.

Passed April 9, 1805.

[W. v. 4. 255. § 1.]

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That there be allowed, in addition to the sum now allowed by law to the commissary of military stores, the sum of five hundred dollars per annum, and to the deputy commissary, in addition to the sum now allowed, the sum of one hundred and fifty dollars per annum, in quarter yearly payments, and that the treasurer shall, on the warrant of the comptroller, pay the said sums respectively.

Military stores commissary & deputy, salaries increased.

CHAP. CCXLVI.

An ACT for the Payment of certain Officers of Government, and for other Purposes.

Passed April 9, 1811.

[S. sess. 34. 452 § 52.]

LII. *And be it further enacted*, That the commissary of military stores, under the direction of the person administering the government of this state, and upon such terms and conditions as he shall approve, may lease the public lands contiguous to the arsenal, in the city of Albany, which may not be required for immediate public use, for a term or terms not exceeding seven years from the passing of this act, and that such leases when made, be deposited with the comptroller, who is hereby authorized and required to collect the rents as they become due, agreeably to the tenor of such leases.

CHAP. CXXXIX.

An ACT further to provide for the Defence of the Frontiers, and for other Purposes.

Passed June 12, 1812.

[S. sess. 35. 245.]

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for

Two deputy commissaries may be appointed.

the person administering the government of the state, by and with the advice and consent of the council of appointment, to appoint two assistant commissaries of military stores, one of whom shall reside in the Western district, and the other in the Eastern district of this state, whose duty it shall be, under the direction of the commissary of military stores, to visit and inspect the public arsenals in their several districts, and the property therein, to see that the same be kept in good order and condition, and who shall report thereon twice in each year to the commissary of military stores, and the commissary shall, twice in each year, report the quantity and condition of all the arms and military stores belonging to this state, to the person administering the government thereof. Each of the said assistant commissaries shall, before he shall enter upon the duties of his office, take an oath well and truly to perform the duties required by this act, and shall also enter into a bond to the people of this state in the penal sum of ten thousand dollars, with two substantial freeholders as sureties, to be approved of by the comptroller of this state, conditioned for the honest and faithful discharge of the duties of the said office; and the assistant commissary for the Western district, shall be entitled to receive a salary of six hundred dollars per annum; and the assistant commissary for the Eastern district, a salary of four hundred dollars per annum, to be paid in the same manner as the salary of the commissary of military stores.

Their salaries.

Armorsers to be appointed.

II. *And be it further enacted*, That it shall be the duty of the said commissary to appoint one armorer at each of the arsenals established by law in this state, to take care of the arms, accoutrements and military stores deposited in said arsenals, and to keep them always in good order and fit for service, and for that purpose to employ from time to time, as often as shall be necessary, such mechanics and laborers as may be requisite for such purpose, in addition to the persons employed as guards, and that each of said armorers shall be entitled to receive for his services such sum as the person administering the government of this state for the time being, shall direct; and all expenses arising from the employment of the mechanics and laborers necessarily employed by him for the purposes abovesaid, which said sums shall be paid on the warrant of the comptroller, on the certificate of the commissary or either of his assistants, of the services having been performed and the settlement of the accounts of such armorer.

Arms, etc. to be sent to the arsenals, and guards employed to protect them.

III. *And be it further enacted*, That it shall be lawful for the person administering the government, at the expense of this state, to cause to be transported and deposited in the arsenals from time to time, such additional quantities of arms, ammunition and military stores as he may deem necessary; and whenever in his opinion, the security of said arsenals may require it, to employ and organize a guard for each of the said arsenals, to consist of one corporal and six privates, to erect a guard-house for such guard, and to prescribe rules and regulations for their government; and the said corporal shall receive twenty dollars per month, and each private fifteen dollars per month, for pay, rations, subsistence and clothing whilst they shall be so employed, to be

paid quarterly by the assistant commissary of the district, and the comptroller shall draw his warrant on the treasurer in favor of the said assistant commissary for the same: *Provided*, That the said guards hereby authorised to be employed and organized shall not be used or employed (except in case of actual invasion) for any other purpose than that of guarding the said arsenals, and in assisting in such other services as may be required of them in keeping the said arms and military stores in good order and repair, and in protecting and preserving the property which may be deposited in said arsenal.

IV. *And be it further enacted*, That it shall be lawful for the commissary of military stores, under the direction of the person administering the government, to purchase timber for gun carriages, to the value of two thousand dollars, which timber shall be deposited in safe and secure places to be seasoned.

Timber for gun carriages may be procured.

V. *And be it further enacted*, That it shall be lawful for the commissary of military stores, under the direction aforesaid, to provide tents, knapsacks, camp-kettles and other necessary camp equipage for four thousand men, and also such further quantities of cannon, ball, shells, powder and fixed ammunition, and other needful articles, as the person administering the government of this state shall direct, for which purpose the sum of twenty-five thousand dollars is hereby appropriated, to be paid to the order of the person administering the government, upon the warrants of the comptroller.

Camp equipage, etc.

VI. *And be it further enacted*, That it shall be lawful for the commissary of military stores, under the direction aforesaid, to purchase two thousand five hundred muskets, five hundred rifles, five hundred horse-pistols, and two hundred and fifty swords, with the necessary equipments; and the comptroller is hereby directed, on the order of the governor, to draw his warrant on the treasurer for such sum or sums of money as may be necessary for the purpose aforesaid, not exceeding fifty thousand dollars.

Muskets, etc.

VII. *And be it further enacted*, That any balance which may appear to be due to the person administering the government of this state, for the purchase of the ordnance, small arms and ammunition heretofore directed by law to be purchased, shall and may be allowed and paid by the comptroller out of any monies in the treasury not otherwise appropriated.

Balance due governor to be allowed.

VIII. *And be it further enacted*, That if it shall become necessary at any time for the person administering the government, in the recess of the legislature, on account of war, invasion or other emergency, to order out a military force for defence, it shall be lawful for the comptroller to draw warrants on the treasurer, to meet the payment of the immediate expenses of such emergency, not exceeding fifty thousand dollars, of which an account shall be rendered at the next session of the legislature thereafter.

Military force may be ordered out on emergency.

IX. *And be it further enacted*, That it shall be lawful for the commissary of military stores and his assistants, to sell out of the public arsenals for cash, to any citizen of this state belonging to the militia, who shall produce a certificate from the commanding officer of the company to which such person belongs, of his actual residence within the limits of, and of his enrolment in, said

Muskets, etc. may be sold to the militia.

company, a good musket and bayonet, with the necessary equipments, or a rifle, pistols, sword or knapsack, at the price which the same may have cost the state; and that the said commissary and his assistants shall, in their returns to be made as aforesaid, specify the number and kind of arms and equipments so sold, and the names of the persons to whom sold, and of the commanding officers of the companies of militia to which they respectively belong, and shall pay quarterly into the treasury the money received for such arms and equipments.

A guard of artillery may be stationed at the Narrows.

X. *And be it further enacted*, That it shall be lawful for the person administering the government, to raise and employ a guard of uniformed artillery, consisting of one lieutenant with the rank of captain, one sergeant, two corporals, two musicians, and twenty-five privates, to guard the fortifications and other public works at the Narrows, near the city of New-York; and that the said lieutenant shall receive fifty dollars per month; the sergeant, twenty-five dollars per month; each corporal and musician, twenty dollars per month; and privates, eighteen dollars per month, for pay, rations, subsistence and clothing; to be paid by the commissary of military stores, and to be drawn out of the treasury in the same manner as is herein before prescribed with respect to guards for the arsenals: *And further*, That the said guards shall be furnished with arms and accoutrements whilst in service, and with barracks, at the expense of this state, and shall be disciplined, exercised, employed and regulated, in such manner as the person administering the government of this state may from time to time direct, and may be discharged at any time.

Telegraph may be established.

XI. *And be it further enacted*, That the possession of the said fortification and public lands at the Narrows, shall be deemed to be in the person administering the government, who is hereby authorised to make such agreement and agreements with the government of the United States, or with the legally authorised agents thereof, and with the mayor, aldermen and commonalty of the city of New-York, for the establishment of a telegraph observatory and signal poles, on the said public ground, as he may deem most conducive to the interests of this state, and to the safety of the city and harbour of New-York; and it shall also be in his power to direct the aforesaid guard, or such other person or persons as may have the immediate charge and superintendence of the said fortifications and public ground, to remove therefrom by force any person or persons who shall trespass thereon, and refuse to depart upon notice and warning so to do, and to remove or destroy all fixtures or other obstructions which have been, or may be, placed or found in the water or upon the shore, fronting the public property.

Penalty for spiking cannon, etc.

XII. *And be it further enacted*, That if any person or persons shall spike any cannon, or wilfully injure, damage, spoil or embezzle any of the arms, ammunition or other military stores, belonging to this state, such person or persons shall be deemed guilty of a high misdemeanor, and shall upon conviction thereof in any court having cognizance thereof, be fined not exceeding two thousand dollars, or imprisoned in the state-prison at hard labor, not exceeding seven years, at the discretion of the court.

XIII. *And be it further enacted*, That the further sum of ^{25,000 dolls.} twenty-five thousand dollars be and hereby is appropriated for ^{allowed to} the completion of the fortifications on Staten-Island, erecting ^{complete for-} under the authority of this state, and that the sum of twenty thousand dollars, granted by the second section of the act, entitled "an act to contribute to the defence of this state, and for other purposes," passed April 6th, 1808, may, without the co-operation of the general government, be applied and expended in erecting works of defence, or in any other way which may be deemed best calculated to accomplish the object contemplated by the said second section of the aforesaid act.

XIV. *And be it further enacted*, That the authority to erect places of deposit for military stores, given by the act, entitled "an act for the defence of the northern and western frontiers," passed February 12th, 1808, shall be and hereby is extended to such counties on the frontiers of this state as shall, in the opinion of the person administering the government of this state, be necessary and proper. ^{Additional} ^{arsenals may} ^{be erected}

XV. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, to prescribe such rules, orders and regulations relative to the distribution of the said arms, ammunition and military stores to the militia when called out to actual service, as to him may appear proper. ^{Rules may be} ^{made for dis-} ^{tributing arms}

XVI. *And be it further enacted*, That it shall be lawful for the person administering the government, to provide and equip at the expense of this state, a boat or barge in the harbor of New-York, for the use of the state. ^{State barge} ^{may be built}

AND WHEREAS it is proposed on the part of the United States to purchase, as a site for the erection of magazines, arsenals, barracks, and other needful buildings, the following tract of land, that is to say—All that certain farm, piece or parcel of land, situate, lying and being in the town of Greenbush, in the manor of Rensselaerwyck, county of Rensselaer and state of New-York, which was leased by Stephen Van Rensselaer to Christopher Yates on the sixteenth day of August, one thousand seven hundred and ninety, and is bounded as follows, to wit: Beginning at a stake and stones, standing at the distance of twelve chains and forty-five links from the south west corner of the kitchen on the premises, on a course north forty-nine degrees thirty minutes west, and runs thence north forty-nine degrees and thirty minutes west, one chain and six links; thence north fifty-nine degrees forty-five minutes west, six chains and seventy-eight links; thence north twenty-nine degrees east, three chains and seventy-three links; thence north sixteen degrees east, nine chains and twenty-four links; thence south sixty degrees east, seven chains and twenty links; thence south thirty-four degrees east, one chain; thence south fifty degrees east, two chains; thence north fifteen degrees east, twenty-nine chains; thence south thirty-nine degrees east, thirty-eight chains and twelve links; thence due east, ten chains; thence south eleven degrees thirty minutes east, forty-eight chains and eighty links; thence due west, thirty-two chains and twenty-links; thence due north ten chains; thence north twenty-six degrees west, five chains fifty-three links; thence south thirty-seven degrees, six chains and forty-seven ^{Recital}

links; thence north eighteen degrees west, two chains and twenty-seven links; thence north ten degrees west, three chains and seventy-one links; thence north two degrees west, three chains and fifty-eight links; thence north seventy degrees east, one chain and eighteen links; thence north eighteen degrees west, four chains and eighty-seven links; thence north seventy-seven degrees and forty minutes west, two chains and ninety-seven links; thence south fifteen degrees and forty minutes west, twelve chains and thirty-one links; thence south nine degrees east, eight chains and thirty-four links; thence south fifty-seven degrees east, two chains and forty-four links; thence south seventeen degrees west, nine chains; thence north sixty-eight degrees west, twenty-two chains and thirty links; thence due south four chains and forty links; thence north sixty degrees east, six chains; thence north twenty-nine degrees west, six chains and twenty links; thence north thirteen degrees west, three chains; thence south eighty degrees east, five chains twenty-one links; thence south thirty-two degrees eighteen minutes east, six chains and forty links; thence south three degrees forty-two minutes west, one chain eighty links; thence south eighty-nine degrees forty-eight minutes east, four chains thirty links; thence north three degrees forty-two minutes east, nine chains and ninety links; thence south eighty-six degrees eighteen minutes east, six chains and twenty links; thence north three degrees forty-two minutes east, fourteen chains and fifty links; thence north eighty-six degrees eighteen minutes west, six chains and twenty links; thence south three degrees forty-two minutes west, three chains and eighty links; thence north forty-two degrees and eighteen minutes west, ten chains and eighty links to the beginning, containing two hundred and sixty-one acres and three tenths of an acre: Therefore,

Lands ceded
to the United
States for
building bar-
racks, etc.

Provido.

XVII. *Be it further enacted*, That the consent of the legislature of this state be and the same is hereby given to the purchase of the said tract of land by the United States, and that the jurisdiction over the said tract of land shall be and the same is hereby ceded to, and vested in the United States: *Provided*, That this cession shall not prevent the execution of any process, civil or criminal, issuing under the authority of this state, in or upon the said tract of land, or to prevent the operation of the public laws of this state upon the said tract, so far as the same may not be incompatible with the free use and enjoyment of the said premises by the United States for the purpose above specified.

CHAP. L.

An ACT to divide the County of Washington, and for other purposes.

Passed March 12, 1813.

[S. Sess. 36. p. 48. § 2.]

Courts when
to be held,

II. *And be it further enacted*, That there shall be holden in and for the said county of Warren a court of common pleas and general sessions of the peace, and that there shall be three

terms of the said courts in the said county in every year, to commence as follows: the first term of the said court of common pleas and general sessions of the peace shall be holden on the second Tuesday of September next, and may continue until the Saturday following, inclusive; and the second term of the said court shall commence on the third Tuesday of January next, and may continue to be holden until the Saturday following, inclusive; and the third term of the said courts shall commence on the second Tuesday of May thereafter, and may continue to be holden until the Saturday following, inclusive; and the said courts of common pleas and general sessions of the peace shall have the like jurisdiction, power and authority in the said county of Warren as the courts of common pleas and general sessions of the peace in the other counties of this state have in their respective counties: *Provided*, That all suits now pending in the court of common pleas and general sessions of the peace in the county of Washington, may be prosecuted to trial, judgment and execution as if this act had not passed.

CHAP. CCIII.

An ACT for the payment of certain Officers of Government, and for other purposes.

Passed April 13, 1813.

[S. Sess. 36. p. 330.]

XXI. *And be it further enacted*, That the first court of common pleas in and for the county of Warren shall begin on the second Tuesday of May next, and may continue to be held until the Saturday following, inclusive, any thing in the act, entitled "an act to divide the county of Washington, and for other purposes," contained to the contrary notwithstanding.

First court when to be held.

TWENTY-EIGHTH SESSION.

CHAP. XC.

An ACT concerning Libels.

Passed April 6, 1805.

[W. v. 4. 232.]

WHEREAS doubts exist whether on the trial of an indictment or information for a libel, the jury have a right to give their verdict on the whole matter in issue,

I. *Be it therefore declared and enacted by the people of the state of New-York, represented in Senate and Assembly*, That on every such indictment or information, the jury, who shall try the same, shall have a right to determine the law and the fact, under the direction of the court, in like manner as in other criminal cases, and shall not be directed or required by the court or judge, before whom such indictment or information shall be tried, to find the defendant guilty, merely on the proof of the publication by the defendant of the matter charged to be libellous, and of the sense ascribed thereto, in such indictment or information: *Pro-*

Jury, authorized to determine the law as well as the fact.
32 Geo. 3. c. 60.

Right reserved to defend and to apply in arrest of judgment.

Defendant in cases of libel may give truth in evidence.

Not to be a justification, unless, etc.

Nature and extent of punishment for libel.

No person to be prosecuted for libel, by information.

vided nevertheless, That nothing herein contained shall be held or taken to impair or destroy the right and privilege of the defendant, to apply to the court to have the judgment arrested, as hath heretofore been practised.

II. *And be it further declared and enacted*, That in every prosecution for writing or publishing any libel, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence, the truth of the matter contained in the publication charged as libellous: *Provided always*, That such evidence shall not be a justification, unless on the trial it shall be further made satisfactorily to appear, that the matter charged as libellous, was published with good motives and for justifiable ends.

III. *And be it further enacted*, That any person or persons who shall, after the passing of this act, be convicted of writing or publishing a libel, such person or persons shall not be sentenced to an imprisonment exceeding the term of eighteen months, or to pay a fine exceeding the sum of five thousand dollars.

IV. *And be it further enacted*, That from and after the passing of this act, it shall not be lawful to prosecute any person or persons by information for writing or publishing any libel.

Cases, &c. relative to *libels*, *civiliter et criminaliter*.—Leach. Cr. law, 135.—3 B. & E. 428.—1 Caines' Rep. 485, 518, 581.—3 John. ea. 337.—1 John. Rep. 46. 285.—3 John. Rep. 42. 56, 139.—5 Ibid. 1. 430. 508.—6 Ibid. 26.—7 Ibid. 120, 260, 264.—8 Ibid. 455.—9 Ibid. 36, 45, 214.

THIRTY-SIXTH SESSION.

CHAP. XCI.

An ACT to prevent Trespasses on Indian Lands within this State.

Passed April 2, 1813.

[S. sess. 36. 137.]

Trespasses on Indian lands, how punishable.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That if any person hereafter shall trespass on any land belonging to any Indian tribe within this state, by cutting timber thereon, such person shall forfeit and pay the sum of twenty-five dollars for every tree they shall cut, to be recovered with costs of suit in any court having cognizance thereof.

Penalties how applied.

II. *And be it further enacted*, That it shall be the duty of the Indian agent to prosecute all persons offending against this act, and to pay over all monies to be recovered for trespasses committed in violation thereof, to the Indian tribe on whose land such trespasses shall be committed: *Provided however*, That nothing contained in this act shall be construed to prohibit the cutting of timber to improve or erect bridges on any road leading through such Indian lands.

Proviso.

CHAP. CXCIV.

An ACT for Publishing the Laws of this State.

Passed April 12, 1813.

[S. sess. 36, 309.]

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That William P. Van Ness and John Woodworth, Esquires, be and they are hereby authorised and appointed to prepare for the press, and under such heads or divisions as they shall think proper, all the public laws of this state which are general and of a permanent nature, and affecting the community at large, including those of the present session, with such marginal notes and references as shall appear best calculated for public information; and the said William P. Van Ness and John Woodworth shall prepare for publication with the said laws, the constitution of the United States of America, and the constitution of this state: *And further,* They shall make an index of the matter contained in the said work, and shall correct all errors in the orthography of the laws, and shall in every other respect complete the said work in such manner as to them shall seem to be most useful and proper, and for this purpose they shall have free access to and be permitted to examine any of the public records and papers of this state without fee or reward.

W. P. Van Ness and J. Woodworth directed to prepare public laws for the press.

Also the constitution of the United States & of this state.

II. *And be it further enacted,* That it shall be lawful for the secretary of this state to agree with any printer to print the said work upon such terms as he may think proper, having a reasonable regard to economy therein, which laws so printed and published shall be evidence in all courts of justice whatsoever; and the said printer shall deliver at least one thousand copies of the said work, completely bound in calf-skin, to the said secretary, to be by him retained subject to the orders of the legislature.

Secretary directed to agree with a printer. Necessary expense to be allowed.

III. *And be it further enacted,* That the treasurer of this state, on the warrant of the comptroller, shall pay to the said William P. Van Ness and John Woodworth, such sums as it may appear to the comptroller are necessary from time to time for defraying the expense of preparing the said work for the press, and for paying the compensation herein after allowed to the said William P. Van Ness and John Woodworth.

Necessary expenses to be allowed.

IV. *And be it further enacted,* That the said William P. Van Ness and John Woodworth shall severally be and they are hereby allowed for their services aforesaid, the sum of one thousand dollars.

Compensation to the revisors.

V. *And be it further enacted,* That the present members of the legislature shall be entitled to receive one set of the said laws so deposited in the secretary's office, and the said secretary shall deliver the same to them, or their order.

Members of the legislature to receive one set each.

VI. *And be it further enacted,* That it shall be the duty of the state printer to cause the laws enacted at each session of the legislature to be bound in boards, and that the expense thereof and of stitching the journals of the two houses, shall be paid to him by the treasurer, on the warrant of the comptroller, who shall audit the account of the same.

State printer to be paid for binding session laws in boards.

CHAP. CCII.

An ACT to repeal the Acts and parts of Acts therein mentioned.

Passed April 13, 1813.

Acts & parts
of acts repea-
led.
S. sess 36. 325

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the twelfth and sixteenth sections of the act, entitled "an act concerning the commissioners of the land office, and the settlement of lands," passed the twenty-fourth day of March, one thousand eight hundred and one, and the fourth section of the act, entitled "an act relative to certain quit rents, and for other purposes," passed the seventh day of April, one thousand eight hundred and six, and all acts and parts of acts heretofore passed by the legislature of this state which come within the purview or operation of any of the acts passed during the present session of the legislature, commonly called the revised acts, shall be and the same are hereby repealed from and after the first day of December next: Provided however, That such repeal shall not affect any act done, right accrued or established; proceedings had, suit or prosecution commenced, or penalty, forfeiture, offence or crime, incurred or committed previous to the said first day of December next, but every such act, proceeding and right, shall remain as valid, and every such suit or prosecution may lawfully proceed, and every such penalty, offence or crime, be demanded, prosecuted, recovered or punished, as the case may be, as if all the acts and parts of acts hereby intended to be repealed had remained in full force: Provided, That nothing in the said revised acts contained shall be so construed as to require the appointment of any officer in pursuance of the said acts, unless the office shall become vacant: And provided also, That all acts and parts of acts which were repealed by any act hereby intended to be repealed, and which have not been re-enacted during the present session, shall continue to be so repealed: And provided further, That the said acts passed during the present session of the legislature, commonly called the revised acts, shall not take effect or be in force until the said first day of December next, any thing in the said acts contained to the contrary notwithstanding: And provided further, That the act concerning the commissioners of the land office, and the sale of the unappropriated lands, the act to facilitate the discovery and sale of the estates of attainted persons, the act concerning deeds, the act concerning the school fund, the act concerning the fees of the several officers and ministers of justice within this state, the act concerning the courts of common pleas and general sessions of the peace in the several counties of this state, an act for the partition of lands, an act to provide against infectious and pestilential diseases, an act to reduce several laws relating particularly to the city of New-York into one act, an act for the assessment and collection of taxes, an act for the support of government, an act concerning costs, an act relative to district attornies, an act relative to the city of Hudson, an act to divide this state into counties, an act to regulate sales by public auction, and to prevent stock-jobbing, an act relating to the city of Schenectady, an act relative to the city of Albany, and the act for regulating elections, passed at the present session, shall be and continue in full force, any thing in this act contained to the contrary notwithstanding.

ACTS,

The titles of which (except of those of session 36, and a few others) were submitted by the revisors to the legislature at its last session, are inserted in this work in an *abridged* form, sufficient only to indicate the *subject* of the acts, *when passed, and where they are to be found*. Wherever vol. 1, 2, 3, 4, 5, or 6, are referred to, it is to be understood that the first *two* volumes are K. & R. and the last *four* are W. The nature of this work would not admit the publication at large of these acts, nor a fuller reference to their contents. It is presumed, however, that the references here published, will be at least equally useful to the publication of the *title* of each act, as the titles sometimes convey an imperfect knowledge of the nature of the acts themselves.

NO. I. FERRIES.

At the village of Catskill, sess. 27, ch. 66.—sess. 31, ch. 57.
 Across Cayuga Lake, sess. 31, ch. 147.—sess. 32, ch. 160.
 Across Delaware River, sess. 34, ch. 80.
 Ferries in Essex county, sess. 28, ch. 124.
 Across Lake Champlain, sess. 28, ch. 45, 101.—sess. 31, ch. 61.—sess. 34, ch. 127.—
 sess. 35, ch. 60.—sess. 36, ch. 43.
 Across the outlet of Oneida Lake, sess. 36, ch. 171.
 Between Queens and Westchester, sess. 8, ch. 46.—sess. 19, ch. 37.
 Across the St. Lawrence, sess. 30, ch. 11.
 Between Warren and Colbergh, sess. 34, ch. 203.
 Between Westchester and Rockland, sess. 23, ch. 28.

NO. II.—COMMON LANDS, SWAMPS, MEADOWS, BOGS, &c.

Common Lands,

In Southold, vol. 2, 189.
 Trials relative to, regulated, v. 5, 372.

Bog Meadows,

In Cornwall, vol. 3, 160, 163.
 New-Windsor, vol. 4, 112.
 Goshen, vol. 3, 382.
 Stanford & Northeast, v. 3, 493, 496.
 Rockland, vol. 4, 44.
 Orange and Dutchess, vol. 3, 498.
 Near M^cKnight's creek, v. 3, 385.
 Ulster county, vol. 5, 492.
 Orange county, vol. 6, 101.

Sullivan county, vol. 6, 466.
 New-York, vol. 6, 563.
 On Long-Island, vol. 4, 6.
 Hempstead and Haverstraw, vol. 4, 13, 548.
 Tioga, vol. 6, 221.

Swamps, on

Canesarago Creek, vol. 4, 530.
 Juniper Swamp, vol. 4, 344.
 Beaver dam Swamp, vol. 6, 70.

Lake,

Ballston Lake to be lowered, vol. 6, 591, 593, 183.

[NOTE.—These acts relate generally to the mode of clearing, &c. Meadows, Bogs, &c. so as to make them capable of cultivation.]

NO. III.—ROADS AND BRIDGES.

[References to the acts concerning Roads and Bridges, directed to be made by commissioners, or provided for by lotteries, &c. (but not including turnpike or toll-bridge companies,) were furnished by the revisors in their report at the last session. It was deemed best to omit them here, as not suitable to the nature of this work, being merely *local*, some of them *executed*, and others in a train of operation.]

NO. IV.—LITERATURE.

[The acts of general importance respecting *literature*, to wit—*The University, Colleges and common Schools*, having been published in this work, the other acts, relating to private schools in certain villages, &c. and most of them *executed* laws, are omitted.]

NO. V.—VILLAGES.

NAME.	When incorporated, or vested with certain powers.	Acts incorporating, and concerning same.
Athens,	April 2, 1805,	Vol. 4, 121.
Ballston-Spa,	March 21, 1807,	vol. 5, 70, sess. 36, ch. 9.
Singhampton,	April 2, 1813,	sess. 36, ch. 115.

Brooklyn,	April 2, 1801,	{ vol 2, 223—v. 4, 57, 357, 397— vol. 5, 6 sess. 36, ch. 106.
Buffalo,	April 2, 1813,	
Catskill,	{ April, 1, 1797. Trustees for certain purposes appointed, March 14, 1806, incorporat- as a Village.	{ vol. 2, 207—vol. 4, 281, 382, sess. 33, ch. 15.
Cazenovia,	Feb. 17, 1810,	sess. 33, ch. 12.
Cherry-Valley,	June 8, 1812,	vol. 6, 447.
Columbia,	April 9, 1804,	v. 2, 217—v. 3, 421—v. 5, 89, 390.
Columbiaville,	Feb. 21, 1812, June 12, 1812,	sess. 35, ch. 9.
Cooperstown,	{ originally incorporated, A- pril 3, 1807, by the name of Otsego,	{ vol. 6, 484. vol. 5, 138.
Deposit,	April 5, 1811,	vol. 6, 283.
Fishkill,	{ April 10, 1805, to sell a school lot,	{ vol. 4, 285.
Flatbush,	{ April 6, 1796, as to a night watch,	{ vol. 2, 203.
Flushing,	{ March 24, 1809, as to fires, &c.	{ vol. 5, 487, sess. 36, ch. 176.
Geneva,	June 8, 1812,	vol. 4, 533—vol. 6, 432.
Goshen,	March 28, 1809,	vol. 5, 505.
Herkimer,	April 6, 1807,	vol. 5, 20', sess. 36, ch. 58.
Jamaica,	April 1, 1797,	vol. 2, 206, sess. 33, ch. 25.
Johnstown,	April 1, 1808,	vol. 5, 304, sess. 36, ch. 137.
Kingston,	March 24, 1797,	v. 2, 204—v. 5, 100—v. 6, 112.
Lansingburgh,	April 2, 1801,	vol. 2, 220—vol. 6, 197.
Lenox,	April 6, 1813,	sess. 36, ch. 141.
Lewiston,	March 30, 1810,	vol. 6, 2, 192.
Little-Falls,	March 30, 1811,	vol. 6, 175.
Manlius,	March 12, 1813,	sess. 36, ch. 57.
Montgomery,	Feb. 17, 1810,	sess. 33, ch. 4.
Montauk,	Feb. 27, 1807,	vol. 5, 19.
Newburgh,	March 25, 1800,	{ vol. 2, 212—vol. 4, 279, 491— vol. 6, 219, sess. 36, ch. 116.
Old Fort Schuyler,	April 3, 1798,	vol. 2, 209.
Oswego,	April 5, 1810,	vol. 6, 61, 319, sess. 36, ch. 105.
Otsego, see Cooperstown.		
Oxford,	April 6, 1808,	vol. 5, 316.
Poughkeepsie,	April 8, 1801,	s. 23, c. 39, v. 2, 228—v. 6, 382.
Rochester,	April 11, 1808,	vol. 5, 372, sess. 33, ch. 113.
Sagharbor,	March 26, 1803,	vol. 3, 342.
Salem,	April 4, 1803,	vol. 3, 238.
Sandyhill,	March 9, 1810,	sess. 33, ch. 40.
Singsing,	April 9, 1804,	{ vol. 3, 627, sess. 33, ch. 138— sess. 36, ch. 96.
Troy,	April 2, 1801,	{ v. 2, 220—v. 3, 236—v. 4, 591— v. 5, 7, 224—v. 6, 329, 197.
Union Village,	March 29, 809,	vol. 5, 516.
Utica,	April 9, 1805,	vol. 4, 271.
Waterford,	April 6, 1801,	vol. 2, 226—vol. 4, 102.
Whitehall Landing,	April 7, 1806,	v. 4, 636, v. 6, 321, s. 36, c. 85, § 13.
Whitesborough,	March 26, 1813,	sess. 36, ch. 85.

NO. VI.—CESSIONS OF LANDS TO THE UNITED STATES.

[These acts have been published at large.]

NO. VII.—LOANS, AND LOAN OFFICES.

Loaning 200,000 <i>l</i> . in bills of credit, v. 2, 271	Supplementary.	283
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New Loan Office;	285	New books to be procured, vol. 4, 326
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in Herkimer and Tioga,	298	Monies loaned to encourage certain man-
Middle District,	299	ufactories, vol. 5, 324.
in Orange, Ulster & Albany,	299	School fund monies to be loaned, vol. 5, 364
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in Herkimer,	301	of this state in the year 1808, v. 5; 392.
in Greene, &c.	301	Amended, vol. 5, 510.
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Time of payment extended, vol. 3, 42		New loan officers in Tioga, vol. 5, 470.
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NO. VIII.—BANKS.

[When "of" is prefixed to the name, then "bank" precedes, otherwise the word *bank* follows, except where "company" is substituted]

Name of the bank.	When incorporated.	Acts incorporating and concern- ing the bank
of Albany.	April 10, 1792,	vol. 2, 358, 363, 364, sess. 31, ch. 129—vol. 3, 614 § 6—vol. 6, 14, sess. 36, ch. 98.
of America,	June 2, 1812,	v. 6, 413, 421, 542, s. 36, ch. 76.
Catskill,	March 26, 1813,	sess. 36, ch. 80
City bank [of New-York]	June 16, 1812,	s. 35, c. 175, v. 6, 529, s. 36, c. 75.
of Columbia,	March 6, 1793,	vol. 2, 365, sess. 32, ch. 142— sess. 36, ch. 98, 186.
Farmers,	March 31, 1801,	vol. 2, 375—vol. 3, 183, 328, sess.
of Hudson,	March 25, 1808,	31, ch. 133—sess. 36, ch. 98, 153.
of Lansingburgh,	March 19, 1813,	s. 31, c. 84, v. 6, 127—s. 36, c. 98.
Manhattan Company,	April 2, 1799,	sess. 36, ch. 70.
Mechanic's [N. York]	March 23, 1810,	vol. 2, 370, vol. 5, 294.
Mech. & Farmers [Alb.]	March 22, 1811,	sess. 33, ch. 87, vol. 6, 268—sess.
Merchant's,	March 26, 1805,	36, ch. 122.
Middle District,	March 22, 1811,	vol. 6, 143.
Mohawk,	March 13, 1807,	vol. 4, 62, sess. 36, ch. 98.
of Newburgh,	March 22, 1811,	vol. 6, 152, sess. 36, ch. 153.
of New-York,	March 21, 1791,	vol. 5, 45, 214, sess. 31, ch. 103— vol. 6, 147.
New-York manufacturing Company,	June 15, 1812,	vol. 6, 156.
New-York State,	March 19, 1803,	vol. 2, 351, 356, 358, sess. 31, ch.
Ontario,	March 12, 1813,	134—vol. 5, 472—vol. 6, 24, sess.
of Orange county,	April 6, 1813,	36, ch. 98.
of Troy,	March 22, 1811,	vol. 6, 509.
Union,	March 8, 1811,	vol. 3, 328, 614, sess. 36, ch. 98.
Utica,	June 1, 1812,	sess. 36, ch. 64.
		sess. 36, ch. 147.
		vol. 6, 147, sess. 36, ch. 61, 153.
		vol. 6, 116.
		vol. 6, 397.

NO. IX.—TURNPIKE COMPANIES.

Name of the Company.	When incorporated.	Acts incorporating and concern- ing the company.
Albany and Bethlehem,	April 9, 1804,	v. 3, 561—v. 4, 171, 420—v. 5, 562.
Albany and Delaware,	March 2, 1805,	v. 4, 32—v. 5, 145—v. 6, 424.
Albany and Greene,	April 7, 1806,	sess. 32, ch. 70—sess. 36, ch. 39.
Albany and Schenectady,	March 30, 1802,	vol. 4, 607.
Ancram,	March 20, 1804,	v. 3, 90—v. 4, 302, 420—v. 6, 365
Angelica and Allegany,	February 8, 1810,	vol. 3, 535.
Athens,	March 24, 1809,	sess. 33, ch. 1.
Aurora,	April 8, 1808,	sess. 32, ch. 81.
Ballston and Saratoga Spring,	April 8, 1811,	sess. 31, ch. 190.
		vol. 6, 264.

Bath and Geneva,	April 5, 1810,	sess. 33 ch. 173.
Bedford,	February 17, 1810,	sess. 33, ch. 13.
Beekman and Pawlings,	April 1, 1808,	sess. 31, ch. 123.
Bellvale and Munroe,	March 9, 1810,	sess. 33, ch. 48.
Bethel Branch,	April 9, 1811,	vol. 6, 301.
Black River and Sackett's Harbor,	March 30, 1811,	vol. 6, 181.
Bowman's Creek,	March 25, 1808,	sess. 31, ch. 66.
Bridgewater and Litchfield,	April 9, 1811,	vol. 6, 306.
Bristol and Rensselaer- ville,	March 25, 1808,	sess. 31, ch. 89, s. 32, c. 58.
Brooklyn, Jamaica, and Flatbush,	March 17, 1809,	sess. 32, ch. 74.
Cairo and Eastkill,	June 15, 1812,	vol. 6, 491.
Cambridge Branch,	April 2, 1810,	vol. 6, 34.
Canajoharie & Charleston,	April 2, 1806,	vol. 4, 467, sess. 36, ch. 134.
Canaan and Union Village,	March 25, 1808,	sess. 31, ch. 65.
Canandaigua and Bath,	April 2, 1803,	vol. 3, 287.
Canaan and Chatham,	March 25, 1808,	sess. 31, ch. 68.
Canandaigua, Palmyra & Pultenysville,	April 9, 1811,	vol. 6, 318.
Cape Vincent,	Feb. 21, 1812,	vol. 6, 351.
Catskill Ferry,	April 1, 1808,	sess. 31, ch. 114.
Cayuga,	April 2, 1805,	vol. 4, 128, sess. 31, ch. 177.
Cayuga and Susquehannah,	June 10, 1812,	vol. 6, 464.
Cazenovia and German,	June 10, 1812,	vol. 6, 461.
Charlotte River,	March 17, 1809,	sess. 32, ch. 70, vol. 6, 424.
Chatham,	April 10, 1804,	vol. 3, 579.
Chenango,	March 30, 1801,	{ v. 2, 461—v. 3, 300, s. 31, c. 73, v. 6, 498.
Claverack and Hillsdale,	March 18, 1808,	sess. 31, ch. 56.
Cookhouse & Jericho and Bridge,	April 11, 1808,	sess. 31 ch. 197.
Columbia,	March 29, 1799,	{ v. 2, 396, 400, s. 31, c. 108— sess. 33, ch. 67.
Cortland,	Feb. 10, 1809,	sess. 32, ch. 25.
Cortland and Seneca,	June 12, 1812,	vol. 6, 478.
Coxackie,	March 2, 1805,	vol. 4, 24, 409.
Croton,	April 6, 1807,	v. 5, 215, v. 6, 242, s. 31, c. 550
Croton, in the county of Dutchess,	April 8, 1811,	vol. 6, 243, 462.
Delaware road,	April 6, 1805,	vol. 4, 188.
Delaware,	June 12, 1812,	vol. 6, 483.
Deruyter and Eaton,	April 9, 1811,	vol. 6, 292.
Dunderbergh and Clove,	March 27, 1809,	sess. 32, ch. 130, vol. 6, 161.
Durham and Broome,	March 23, 1810,	sess. 33, ch. 75.
Dutchess,	April 5, 1802,	{ v. 3, 129—v. 4, 59, 358—v. 5, 184, s. 33, c. 120, v. 6, 99.
Dutchess Union,	April 9, 1813,	sess. 36, ch. 162.
Eagle Village,	June 15, 1812,	vol. 6, 495.
Eastern,	April 1, 1799,	vol. 2, 403, vol. 4, 106, 553.
Eastern Branch of the Schoharie,	March 13, 1807,	vol. 5, 38, sess. 36, ch. 197.
Eastern Union,	March 28, 1809,	sess. 32, ch. 146, vol. 6, 512,
Essex,	April 3, 1807,	vol. 5, 110.
Fallhill turnpike and bridge,	April 9, 1804,	{ v. 3, 570—v. 4, 394—v. 6, 428, s. 32, c. 22—s. 36, c. 182.
Farmers,	March 14, 1806,	vol. 4, 371, sess. 36, ch. 190.
Farmer's turnpike and bridge,	March 11, 1808,	sess. 31, ch. 46, vol. 6, 137.
First Northern,	April 1, 1799,	{ v. 2, 412, v. 3, 122—v. 4, 182, s. 31, c. 125—sess. 33, c. 169.
Flushing and Newtown turn- pike and bridge,	March 21, 1801,	{ vol. 2, 502—vol. 3, 82, 510, sess. 36, ch. 40.

Goshen and Minisink,	March 27, 1809,	sess. 32, ch. 132, vol. 6, 402.
Goshen and Walkill,	April 11, 1808,	sess. 31, ch. 199, vol. 5, 570.
Goshen and West Town,	June 1, 1812,	vol. 6, 403.
Great Bend and Union,	April 8, 1811,	vol. 6, 263.
Great Bend and Bath,	March 11, 1808,	sess. 31, ch. 41.
Great Island,	April 9, 1813,	sess. 36, ch. 157.
Great Northern,	April 4, 1805,	{ v. 4, 161—v. 5, 34, s. 33, c. 169, v. 6, 165.
Great Western,	March 15, 1799,	{ v. 2, 390—v. 3, 125, 545—v. 4, 58, 421, s. 33, c. 66—v. 6, 480.
Second company Western,	April 4, 1801,	v. 2, 486, v. 6, 480, s. 36, c. 41.
Third company Western,	April 4, 1803,	{ v. 3, 293—v. 4, 41, 421—v. 5, 189, sess. 33, ch. 66, v. 6, 132, 480.
Fourth company Western,	March 28, 1805.	v. 4, 94, s. 31, c. 230—s. 32, c. 144.
Greenfield,	March 14, 1806,	{ vol. 4, 365—vol. 5, 143—vol. 6, 366, sess. 36, ch. 46.
Green River,	April 11, 1808,	sess. 31, ch. 195.
Hadley and Luzerne,	April 6, 1810,	sess. 33, ch. 195, vol. 6, 240.
Hamilton,	June 12, 1811,	vol. 6, 471.
Hamilton and Scaneateles,	April 2, 1806,	v. 4, 475, s. 31, c. 213, s. 36, c. 224.
Hempstead,	March 20, 1812,	vol. 6, 368.
Highland,	April 2, 1806,	vol. 4, 493, sess. 31, ch. 220.
Hillisdale and Chatham,	April 2, 1805,	{ vol. 4, 114—vol. 6, 477, sess. 31, ch. 68—sess. 32, ch. 131.
Hudson branch,	April 2, 1802,	vol. 3, 107—vol. 6, 587.
Ithaca and Geneva,	March 19, 1810,	sess. 33, ch. 69.
Jamaica and Rockaway,	April 2, 1806,	vol. 4, 453, sess. 33, ch. 91.
Jericho,	March 20, 1813,	sess. 36, ch. 77.
Jericho and Norwich,	April 11, 1808,	sess. 31, ch. 197.
Lake Erie,	March 28, 1805,	vol. 4, 78, sess. 31, ch. 41.
Lake George,	April 6, 1807,	vol. 5, 212.
Lebanon,	April 8, 1811,	vol. 6, 262.
Le Raysville,	Feb. 21, 1812,	vol. 6, 351.
Lewis,	April 8, 1811,	vol. 6, 266.
Little Delaware.	March 16, 1805,	vol. 4, 50, sess. 31, ch. 138.
Little Falls and Fairfield,	March 30, 1810,	sess. 33, ch. 106.
Madison county,	April 8, 1811,	vol. 6, 259.
Manlius and Truxton,	April 9, 1811,	vol. 6, 273.
Merritt's Island,	June 10, 1812,	vol. 6, 458.
Mexico,	April 4, 1806,	vol. 4, 573.
Middleburgh & Rensselaerville,	April 4, 1806,	vol. 4, 583.
Middle patent,	Feb. 17, 1810,	sess. 33, ch. 11.
Middletown and Roxbury,	April 6, 1808,	sess. 31, ch. 153.
Military,	April 6, 1808,	sess. 31, ch. 128.
Minisink and Montgomery,	Feb. 17, 1809,	sess. 32, ch. 30.
Mohawk and Black River,	April 5, 1810,	sess. 33, ch. 167.
Mohawk Bridge and Ballston Turnpike,	} April 2, 1806,	vol. 4, 482, sess. 32, c. 4, 179.
Mohawk Turnpike & Bridge,	April 4, 1800,	{ v. 2, 438, 445—v. 3, 578—v. 4, 298, 634—v. 5, 197—v. 6, 240, 285, 350, s. 32, c. 170. s. 36, c. 68.
Mountain,	March 17, 1809,	s. 32, c. 70, v. 6, 424, s. 36, c. 164.
Mounthope and Lumberland,	June 8, 1812,	vol. 6, 446.
Narrowsburgh and Sullivan,	April 9, 1811,	vol. 6, 272.
Nelson and Deruyter,	June 15, 1812,	vol. 6, 497.
Nevisink,	April 6, 1805,	v. 4, 223, s. 31, c. 119—v. 6, 244.
New-Baltimore & Rensselaerville,	April 2, 1806,	vol. 4, 504—vol. 6, 223, 386.
Newburgh and Chenango,	April 6, 1805,	vol. 4, 214, vol. 5, 85.
Newburgh and Cochechton,	March 20, 1801,	{ vol. 2, 453—v. 4, 346—v. 6, 241, sess. 31, ch. 233.
Newburgh and Plattekill,	Ap. 5, 1810, Jun. 12, 1812,	sess. 33, ch. 162, vol. 6, 477.
Newburgh and Sullivan,	March 30, 1810,	sess. 33, ch. 102, v. 6, 241, 552.
Newburgh & New-Windsor,	April 2, 1806,	vol. 4, 434, sess. 31, ch. 70.
New-Windsor and Bloomingrove,	April 3, 1801,	vol. 2, 460.
New Windsor and Cornwall,	March 30, 1809,	sess. 32, ch. 171.

New-Paltz,	April 7, 1807,	vol. 5, 226.
New-Paltz and Plattekill,	April 9, 1813,	sess. 36, ch. 170
Newtown,	March 22, 1803,	vol. 3, 280.
Norwich and Preston,	April 8, 1808,	sess. 31, ch. 161.
Ogdensburgh,	June 8, 1812,	vol. 6, 417.
Oneida,	March 31, 1801,	vol. 2, 463—vol. 6, 489.
Oneida and Jefferson,	April 8, 1808,	sess. 31, ch. 158.
Onondaga Salt Spring,	April 4, 1805,	vol. 4, 151.
Ontario and Genesee,	April 2, 1805,	vol. 4, 137.
Orange,	April 4, 1800,	v. 2, 432—v. 3, 97—v. 4, 511—v. 6, 244.
Otsego and Broome,	April 6, 1807,	vol. 5, 207.
Owego,	March 30, 1809,	sess. 31, c. 177.
Owego and Ithaca,	April 6, 1807,	vol. 5, 195, sess. 36, ch. 121.
Paris and Bridgewater,	March 23, 1810,	sess. 33, ch. 79.
Parishville,	Feb. 5, 1813,	sess. 36, ch. 20.
Peekskill,	June 19, 1812,	vol. 6, 576.
Pine-Plains,	April 11, 1808,	sess. 31, ch. 196.
Plattekill and Marleborough,	Feb. 16, 1811,	vol. 6, 99.
Plattsburgh & Chateaugay,	April 8, 1805,	vol. 4, 236, 358.
Popacton turnpike & bridge,	April 6, 1805,	vol. 4, 230.
Portage,	April 8, 1814,	vol. 6, 256.
Potsdam and Hopkinton,	Feb. 5, 1813,	sess. 36, ch. 19.
Quakerhill,	March 30, 1802,	vol. 3, 84.
Rensselaer and Columbia,	April 1, 1799,	v. 2, 403, 410, 411—v. 3, 96—v. 4, 533.
Rensselaerville and Durham,	March 4, 1808,	sess. 31, ch. 31.
Rockland,	March 27, 1809,	sess. 32, ch. 29, vol. 6, 245.
Rome,	April 10, 1805,	vol. 4, 296, sess. 33, ch. 147.
Sacondaga turnpike & bridge,	June 15, 1812,	vol. 6, 496.
Salina and Chenango,	April 6, 1807,	vol. 5, 208.
Schoharie,	April 5, 1802,	{ v. 3, 137—v. 4, 269, 422, [see also v. 5, 38, where this turn- pike is divided] s. 36, c. 157.
Schoharie and Duaneburgh,	March 25, 1808,	sess. 31, ch. 83.
Schaghticoke,	April 12, 1813,	sess. 36, ch. 188.
Schenectady and Ballston,	April 2, 1806,	vol. 4, 443.
Saugerties and Woodstock,	April 7, 1807,	vol. 5, 222.
Seneca,	April 1, 1800,	{ v. 2, 418, 425—v. 3, 98—v. 4, 404— v. 5, 388, s. 31, c. 69, 197—s. 32, c. 34, s. 33, c. 39, 157, v. 6, 365.
St. Lawrence,	April 2, 1810,	sess. 33, ch. 124, vol. 6, 133, 494.
Southern Westchester,	March 22, 1811,	vol. 6, 142.
Spencer and Seneca,	April 8, 1811,	vol. 6, 257.
Stamford,	April 1, 1808,	sess. 31, ch. 104.
Stephentown,	April 3, 1801,	vol. 2, 475.
Susquehannah,	April 1, 1800,	{ vol. 2, 427—vol. 3, 535, sess. 31, ch. 203, sess. 33, c. 76.
Susquehannah and Bath,	April 7, 1804,	{ vol. 3, 547—vol. 4, 562—vol. 5, 146, sess. 31, ch. 85.
Tioga,	April 9, 1811,	vol. 6, 335.
Travellers,	March 25, 1808,	sess. 31, ch. 79. [expired]
Troy and Schenectady,	April 2, 1802,	v. 3 99—v. 4 639, s. 31, c. 227.
Ulster and Delaware,	April 2, 1802,	vol. 3, 113.
Ulster and Delaware first Branch,	{ March 28, 1806, March 9, 1810,	{ v. 4, 412, s. 33, c. 30—v. 6, 307, sess. 36, ch. 21.
Ulster and Orange branch,	April 11, 1808,	{ sess. 31, ch. 198, sess. 33, ch. 18, vol. 6, 161.
Unadilla,	April 2, 1806	vol. 4, 448.
Union,	{ April 3, 1801, May 26, 1812,	{ vol. 2, 469—vol. 6, 137, 376.
Utica,	April 10, 1805,	v. 4, 288, sess. 33, c. 147, s. 36, c. 138.
Utica and Minden,	March 24, 1809,	sess. 32, ch. 96.
Walton and Franklin,	March 23, 1810,	sess. 33, ch. 78.
Warwick and Minisink	March 2, 1810,	sess. 33, ch. 28, vol. 6, 562.
Waterford,	April 4, 1806,	vol. 4, 554, sess. 33, ch. 92.

Waterford and Whitehall,	March 28, 1806,	vol. 4, 423, sess. 33, ch. 33.
Washington and Saratoga,	March 30, 1811,	vol. 6, 180.
Westchester,	April 7, 1800,	vol. 2, 446
Westchester and Dutchess,	March 9, 1810,	sess. 33, ch. 47.
Western branch of the Schoharie,	March 13, 1807,	vol. 5, 38.
Whitehall and Granville,	{ April 2, 1810,	{ sess. 33, ch. 116, vol. 6,
	{ June 19, 1812,	{ 555.
Windham,	April 1, 1808,	sess. 31, ch. 112.
Windham and Durham,	March 17, 1809,	sess. 32, ch. 71.
Woodstock Branch,	Feb. 17, 1809,	sess. 32, ch. 41.

TOTAL, 180 Turnpike Incorporations.

NOTE.—To complete the name of the Company, it is only necessary to add the word “turnpike,” “turnpike road” or “road company,” to each of the names furnished in the foregoing table. It is possible that a few of the companies have suffered their act of incorporation to expire, without completing or commencing the road within the time required by law:—This fact, however, is not to be ascertained from the law. Those turnpike acts which are noted in former editions, as having expired, are not furnished in this table, unless where they have been revived. Though great attention has been devoted to making this table as perfect as possible, yet we may have omitted some emendatory clauses, which have escaped all our vigilance.

NO. X—ACADEMIES.

[These are collected from the records in the office of the Secretary of State.]

<i>Academies.</i>	<i>when incorporated.</i>	<i>Academies.</i>	<i>when incorporated.</i>
Albany,	March 4, 1813.	Lansingburgh,	February 8, 1796.
Ballston,	March 21, 1808.	Lowville,	March 1, 1808.
Bloomington,	April 1, 1811.	Montgomery,	April 25, 1791.
Canandaigua,	March 4, 1795.	Newburgh,	March 3, 1806.
Catskill,	March 24, 1804.	North Salem,	November 9, 1787.
Cayuga,	March 23, 1801.	Onondaga,	April 10, 1813.
Cherry-Valley,	February 8, 1796.	Otsego,	February 8, 1796.
Clinton,	November 20, 1787.	Oxford,	January 27, 1794.
Columbia,	March 27, 1797.	Oyster-Bay,	March 15, 1807.
Dutchess County,	March 17, 1792.	Plattsburgh,	March 29, 1813.
Erasmus Hall,	November 20, 1787.	Pompey,	March 19, 1811.
Fairfield,	March 15, 1803.	Schenectady,*	February 14, 1793.
Farmers' Hall,	April 1, 1790.	St. Lawrence,	March 29, 1813.
Geneva,	March 29, 1813.	Union Hall,	March 9, 1792.
Hamilton Oneida,	January 31, 1793.	Washington, (Orange,) April 1, 1811.	
Hudson,	June 27, 1807.	Washington, (Wash.) Sept. 29, 1791.	
Johnstown,	January 7, 1794.	Whitesborough,	March 23, 1813.
Kingston,	February 3, 1795.		

* Afterwards, in 1795, advanced to a College, called *Union College*.

See acts concerning the *University and Colleges* in this Volume.

NOTE.—From the report of the Regents of the University to the Legislature at the last session, it appears from the reports of 20 of the Academies that there were then 1790 pupils in those academies, and it is probable that the whole number of academies in the state do not contain less than 3000 pupils. The property and funds held by the 20 academies from whom reports were obtained in 1813, was nearly 100,000 dollars, besides their annual revenue derived from tuition, &c. There are a number of other academies in this state not incorporated, or which have not as yet procured their charters to be recorded in the secretary's office. Spafford makes the whole number in this state about 45. Spaff. Gazetteer of N. York, page 42.

NO. XI—LAWS CONCERNING CHURCHES, &c.

[These are *not* acts of incorporation.]

- Dutch Church in New-York, sess. 7, ch. 9, sess. 23, ch. 4.
- Trinity Church in New-York, sess. 7, ch. 33, sess. 12, ch. 51.
- St. Peter's Church, Albany, sess. 12, ch. 51.

Poughkeepsie Episcopal Church, sess. 15, ch. 46.
 First Presbyterian Church, New-York, sess. 16, ch. 40.
 Altering the style of several churches, &c. sess. 10, ch. 40.
 Dutch Church, Albany, sess. 21, ch. 7, vol. 3, 44.
 Second Baptist Church, New-York, vol. 3, 43.
 German Patent Glebe Land, in New-Burgh, vol. 3, 373.
 Christ's Church, in Germantown, vol. 3, 388.
 Greensburgh Church, vol. 3, 389.
 Germantown High Dutch Church, vol. 3, 616. Sanctity Church, vol. 4, 286.
 Goshen Presbyterian Church, vol. 3, 617.
 German Lutheran Church, New-York, vol. 4, 40.
 Brooklyn St. Ann's Church, vol. 4, 45.
 Fishkill, Hopewell and New-Hackinsack Churches, vol. 4, 325.
 Greenbush Dutch Church, vol. 5, 4.
 Canton Society of Acre, vol. 5, 77.
 Bridgewater Society, vol. 5, 115.
 Coxsackie Presbyterian Church, sess. 31, ch. 98.
 Oyster-Bay Baptist Church, sess. 31, ch. 105.
 Florida Dutch Church, sess. 32, ch. 23.
 Flatbush, Brooklyn, New Utrecht, Flatlands, Bushwyck and Gravesend Churches, sess. 32, ch. 15.
 Homer Society, sess. 32, ch. 24.
 First Presbyterian Church, New-York, sess. 32, ch. 39.
 Grace Church and Cedar-street Church, New-York, sess. 32, ch. 97.
 Bushwyck Dutch Church, sess. 33, ch. 137.
 Pompey and Manlius Churches, sess. 33, ch. 58.
 Utica Trinity Church, vol. 6, 129.
 Newtown Presbyterian Church, sess. 34, ch. 42.
 Several Churches authorized to sell their lands, vol. 6, 254.
 United Presbyterian Church, Albany, vol. 6, 322.
 Milford Church, vol. 6, 326.
 Johnstown Church, vol. 6, 328.
 Kingsborough Church, vol. 6, 460.
 St. George's Church, New-York, vol. 6, 554.

[NOTE.—There are other acts *concerning* churches, &c. which are deemed unnecessary to be here inserted. There are in this state several hundreds of incorporated *Religious Societies* formed as well *by charter* during our existence as a colony as since, by our *general act* for incorporating Religious Societies, &c. Their titles are not furnished in this work, as well from the difficulty of procuring in due season correct returns from upwards of 40 different counties as from the circumstance of their not falling within the scope of this work.]

NO. XII—TOLL-BRIDGES.

[These are different acts of *incorporation*, &c. passed at the several times stated in the *second column*.]

<i>Name of River, Creek, &c. over which Toll-Bridge is to be erected.</i>	<i>When incorporated.</i>	<i>Acts concerning and incorporating same.</i>
Black River,	June 8, 1812,	vol. 6, 444.
Buffalo (creek)	March 29, 1811,	vol. 6, 165.
Catskill (creek)	April 4, 1801,	vol. 2, 510, sess. 33, ch. 10.
	April 9, 1805,	vol. 4, 261, vol. 6, 457.
	January 28, 1806,	vol. 4, 319.
	April 7, 1806,	vol. 4, 618.
Cattaraugus (creek)	June 12, 1812,	vol. 6, 468.
Chenango River,	April 1, 1808,	sess. 31, ch. 119.
	April 6, 1813,	sess. 36, ch. 140.
Cayuga (lake)	March 28, 1797,	vol. 2, 493, 495, vol. 6, 470.

Delaware River,	April 5, 1810,	sess. 33, ch. 188.
	April 5, 1810,	sess. 33, ch. 189.
Eastchester (creek)	March 6, 1812,	vol. 6, 358.
Esopus (creek)	March 25, 1808,	sess. 31, ch. 72.
Fort Edward (creek)	April 9, 1813,	sess. 36, ch. 179.
Flushing (creek)	March 21, 1801,	{ vol. 2, 503, vol. 3, 82, 510,
		{ vol. 4, 46.
Genesee River,	April 5, 1803,	vol. 3, 278.
	April 7, 1806,	vol. 4, 622.
Haerlem River,	March 31, 1790,	vol. 2, 489, 490, 491, 492.
	March 25, 1808,	sess. 31, ch. 71.
Hosack River,	March 23, 1799,	vol. 2, 499.
	March 9, 1805,	vol. 4, 41.
	April 9, 1811,	vol. 6, 297, 561.
Hudson River,	April 2, 1802,	vol. 3, 77, sess. 31, ch. 184.
	February 22, 1803,	{ vol. 3, 257, vol. 4, 21, sess.
		{ 36, ch. 45.
	March 16, 1803,	{ vol. 3, 262, vol. 5, 224, sess.
		{ 36, ch. 55.
	April 9, 1804,	vol. 3, 515.
	April 11, 1808,	sess. 31, ch. 208.
	April 11, 1808,	sess. 31, ch. 239.
	April 5, 1810,	sess. 33, ch. 176.
Kinderhook (creek)	March 11, 1808,	sess. 31, ch. 45.
Mohawk River,	April 6, 1798,	vol. 2, 497, 498.
	March 31, 1801,	vol. 2, 515.
	April 5, 1803,	{ vol. 3, 274, vol. 4, 19, vol.
		{ 5, 210.
	April 4, 1806,	vol. 4, 545, 641, sec. 2.
	April 6, 1807,	vol. 5, 192, sess. 32, ch. 7.
	April 9, 1811,	vol. 6, 285, 353.
	April 2, 1813,	sess. 36, ch. 123.
Murderer's (creek)	March 16, 1802,	vol. 3, 73, vol. 5, 189.
Newtown (creek)	March 26, 1803,	vol. 3, 268, vol. 4, 381.
Oswego River,	June 19, 1812,	vol. 6, 577.
Rondout River,	April 1, 1808,	sess. 31, ch. 119.
Schoharie creek,	April 1, 1799,	vol. 2, 501.
	March 30, 1802,	vol. 3, 79, vol. 6, 171.
	March 28, 1805,	vol. 4, 89.
	April 9, 1805,	vol. 4, 258, vol. 6, 187.
	April 9, 1805,	vol. 4, 258.
	May 26, 1812,	vol. 6, 395.
	March 20, 1813,	sess. 36, ch. 74.
	April 2, 1806,	vol. 4, 467.
Seneca River,	April 2, 1810,	sess. 33, ch. 129.
	April 7, 1807,	vol. 5, 241, sess. 33, ch. 98.
The Sound,	June 10, 1812,	vol. 6, 452.
Susquehannah River,	April 7, 1804,	vol. 3, 547,
	March 13, 1807,	vol. 5, 59.
	April 1, 1808,	sess. 31, ch. 119.
Tioghnioga (creek),	June 10, 1812,	vol. 6, 462.
	April 6, 1813,	sess. 36, ch. 140.
Walabout Pond,	April 6, 1805,	vol. 4, 195, 337.

[There are many acts relative to bridges, &c. which are free and public, but they are not noted here, being generally local and executed laws.]

NO. XIII—WATER.

[The acts on this subject are principally acts *incorporating aqueduct companies, &c.*]

<i>Places supplied by water.</i>	<i>Acts when passed—providing for such supplies.</i>	<i>Acts making such provision, or concerning same.</i>
Albany, [city of]	February 17, 1802,	vol. 3, 67, 316, sess. 36, ch. 31.
Argyle,	April 4, 1804,	vol. 4, 542.
Catskill,	March 26, 1802,	vol. 3, 70.
Cazenovia,	March 31, 1801,	sess. 24, ch. 44.
Coxsackie,	April 9, 1804,	vol. 3, 597.
Fort Ann,	March 7, 1806,	vol. 4, 350.
Geneva,	March 31, 1803,	vol. 3, 317.
Hamilton,	April 5, 1802,	vol. 3, 145.
Hudson, [city]	March 9, 1790,	vol. 2, 160.
Johnstown,	March 30, 1810,	sess. 33, ch. 94.
Kingston,	April 9, 1804,	vol. 3, 595.
Little Falls,	March 14, 1806,	vol. 4, 361.
Malone,	March 19, 1810,	sess. 33, ch. 73.
Newburgh,	March 7, 1806,	vol. 4, 353, vol. 5, 489.
New-York, [city]	April 2, 1799,	vol. 2, 370, vol. 5, 294.
Otsego,	April 3, 1807,	vol. 5, 138.
[now Cooperstown,]		
Schaghticoke,	April 4, 1806,	vol. 4, 550.
Schenectady, [city]	April 7, 1804,	vol. 3, 591.
Troy,	June 16, 1812,	vol. 6, 515.
Utica,	March 16, 1802,	vol. 3, 65.
Waterford,	April 3, 1807,	vol. 5, 120.

NO. XIV—INCORPORATIONS,

For religious, humane and benevolent, manufacturing, insurance, and other purposes of a like nature.—In this table are included the incorporations for Manufacturing purposes, formed under the *general* act of March 22d, 1811: the certificates, &c. of which latter incorporations are filed in the office of the Secretary of State.

[NOTE.—The word “society,” “company,” “association,” or some word of like import, is necessary to complete the names of the greater number of these Incorporations. Under the head of *New York, Albany, &c.* in this table, are placed most, if not all, of the Incorporations in those places respectively.—The *title* of each company is generally given according to its act or charter of incorporation. To this there are some exceptions, where an alteration became necessary for the sake of brevity, &c.]

Albany Bible, April 8, 1811, vol. 6, 270.

Columbian Friendly Union, April 10, 1804, vol. 3, 609,—sess. 31, ch.

Insurance, March 8, 1811, vol. 6, 122.

Mechanics, March 6, 1801, sess. 24, ch. 15, sess. 36, ch. 104. [209, §8.

Manufacturing, March 3, 1809, sess. 32, ch. 62.

Humane, April 11, 1808, sess. 31, ch. 209.

Lancaster School, May 26, 1812, vol. 6, 390, sess. 36, ch. 29.

For the relief of indigent women and children, March 24, 1804, vol. 3, 602, 505, sess. 33, ch. 131.

St. Patricks, February 27, 1807, vol. 5, 21.

Allegany Coal, April 12, 1813, sess. 36, ch. 193.

American Fur, April 6, 1808, sess. 31, ch. 140, vol. 6, 159.

Beeckman Cotton Manufacturing,* June 19, 1813.

Bloomfield, First Congregational, March 30, 1802, vol. 3, 45.

Bristol Glass, Cotton and Clay, March 1, 1811, vol. 6, 114, sess. 36, ch. 27.

Broadalbin Woollen Manufacturing,* Sept. 17, 1812.

- Broome County Manufacturing, April 9, 1813, sess. 36, ch. 168.
 Glass Manufacturing,* March 9, 1813.
- Burlington Manufacturing,* Sept. 11, 1813.
- Butternuts Woollen and Cotton* factory, Jan. 7, 1812.
- Cambridge Farmers' Woollen,* Sept. 11, 1812.
- Canandaigua Mechanics, April 2, 1813, sess. 36, ch. 97.
- Catskill Mechanical, March 20, 1807, vol. 5, 62.
- Cayuga Manufacturing, Feb. 16, 1811, vol. 6, 96.
- Chenango Manufacturing, April 3, 1811, vol. 6, 211.
- Clason Woollen Manufacturing, June 19, 1812, vol. 6, 585.
- Clinton Woollen Manufacturing, Feb. 22, 1811, vol. 6, 102.
- Cohoes Manufacturing,* June 18, 1811.
- Columbia Lead Mine, April 5, 1811, vol. 6, 237.
 Manufacturing, Feb. 24, 1809, sess. 32, ch. 51, vol. 6, 349.
- Cornwall Cotton Manufactory, April 8, 1811, vol. 6, 258.
- Dutchess County Marble, March 19, 1813, sess. 36, ch. 67.
 Slate, June 8, 1812, vol. 6, 421.
 Agricultural, March 27, 1809, sess. 32, ch. 122.
- Eagle Cotton Factory,* October 7, 1813.
- Elm Grove Woollen and Cotton Factory,* October 9, 1813.
- Elba Iron and Steel Manufacturing,* July 9, 1811.
- Farmers Woollen and Cotton Factory,* May 31, 1811.
- Farmers and Mechanics Manufacturing,* July 2, 1812.
- Flushing Manufacturing, April 10, 1813, sess. 36, ch. 184.
- Fishkill Woollen Manufacturing,* January 23, 1813.
- Galen Salt, March 1, 1810, sess. 33, ch. 22.
- Genesee Missionary, March 22, 1811, vol. 6, 146.
- Geneva Friendly, March 9, 1810, sess. 33, ch. 29, sess. 36, ch. 87.
 Glass Manufacturing, March 30, 1810, sess. 33, ch. 112.
- Glen's Falls Manufacturing,* August 27, 1813.
- Haerlem Friendly, February 10, 1809, sess. 32, ch. 21.
- Hamilton Manufacturing, March 30, 1797, sess. 20, ch. 68.
- Hamilton and Lebanon Manufacturing,* February 22, 1813.
- Hanover Cotton Manufacturing,* June 29, 1813.
- Homer Cotton Manufacturing,* June 7, 1813.
- Home Manufacturing in Rensselaer County, March 23, 1810, sess. 33, ch. 90.
- Hudson Mechanical, March 21, 1806, vol. 4, 391.
 Insurance, April 4, 1811, vol. 6, 228.
 River [a Company to facilitate rafting,] April 4, 1806, vol. 4, 525.
- Jamesville Iron and Woollen Factory, March 8, 1811, vol. 6, 135.
- Kings County Society of Mechanics and Tradesmen, April 6, 1805, vol. 4, 208.
 vol. 6, 103.
- Lake Champlain Steam Boat, March 12, 1813, sess. 36, ch. 51.
- Lansingburgh Eagle Volunteer Fire, April 12, 1813, sess. 36, ch. 196.
- Lenox Glass, March 9, 1810, sess. 33, ch. 45.
- Litchfield Iron Manufacturing,* January 12, 1813.
- Madison Glass Manufactory, March 17, 1809, sess. 32, ch. 73.
- Manlius Manufacturing, March 9, 1810, sess. 33, ch. 43.
 Glass and Iron,* June 28, 1811.
- Cotton and Woollen Manufacturing,* January 9, 1813.
- Milton Manufacturing, March 19, 1810, sess. 33, ch. 70.
- Mohawk Factory,* July 10, 1811.
- Montgomery Manufacturing, April 9, 1811, vol. 6, 308.
- Mount Vernon Glass, February 17, 1810, sess. 33, ch. 16.
- Nassau Manufacturing,* February 21, 1812.
- New Hartford Manufacturing, March 30, 1810, sess. 33, ch. 99.
- Newport Cotton Manufactory,* October 29, 1811.
- New-York Academy of Arts, Feb. 12, 1808, sess. 31, ch. 6.
 African, March 23, 1810, sess. 33, ch. 82.
 African Free School, April 5, 1810, sess. 33, ch. 192.

- New-York Albion Benevolent, Feb. 16, 1805, vol. 4, 7, 353.
 American Fur, April 6, 1808, sess. 31, ch. 140, vol. 6, 159.
 American Insurance, June 18, 1812, vol. 6, 544, sess. 36, ch. 56.
 Ancient Britons' Benefit, Feb. 27, 1807, vol. 5, 23.
 Baptist Missionary, April 1, 1808, sess. 31, ch. 109.
 Benevolent, Feb. 16, 1805, vol. 4, 7.
 Caledonian, April 6, 1807, vol. 5, 216.
 Columbian Insurance, March 21, 1801, sess. 24, ch. 27, 56.
 Commercial Insurance, April 4, 1805, vol. 4, 147, vol. 6, 209.
 Commission, April 9, 1813, sess. 36, ch. 150.
 Company for Manufacturing Paints and other articles, Feb. 17, 1809, sess. 32, ch. 28.
 Cordwainers' Mutual Benefit, Feb. 19, 1808, sess. 31, ch. 207.
 Dispensary, April 9, 1795, vol. 2, 527.
 Eagle Fire, April 4, 1806, vol. 4, 565, vol. 6, 159.
 Eagle Manufacturing,* April 26, 1813.
 Economical School, March 16, 1810, sess. 33, ch. 29.
 Female, March 26, 1813, sess. 36, ch. 87.
 Firemen, March 20, 1798, sess. 21, ch. 40.
 First Protestant Episcopal Charity School, March 14, 1806, v. 4, 372.
 Free School, April 1, 1808, sess. 31, ch. 99, sess. 33, ch. 110, vol. 6, 174, 357.
 German, April 6, 1804, vol. 3, 607.
 Hibernian Provident, April 3, 1807, vol. 5, 105.
 Historical, Feb. 10, 1809, sess. 32, ch. 26.
 Hospital, charter confirmed March 9, 1810, vol. 6, 11, 27.
 House Carpenters, March 14, 1806, vol. 4, 387.
 Insurance, April 2, 1798, sess. 21, ch. 71, sess. 23, ch. 84, sess. 24, ch. 13, 19, sess. 31, ch. 33.
 Insurance Company of Firemen, March 2, 1810, sess. 33, ch. 20.
 Lying in Hospital, March 1, 1799, vol. 2, 533.
 Manhattan Provident, Nov. 17, 1808, sess. 32, ch. 27.
 Manufacturing Company, June 15, 1812, vol. 6, 509, sess. 36, ch. 92.
 Manufacturing Society, March 16, 1790, vol. 2, 522.
 Manumission, Feb. 19, 1808, vol. 5, 256.
 Marble, June 19, 1812, vol. 6, 553.
 Marine Insurance, March 16, 1802, vol. 3, 147, vol. 4, 377.
 Masons, Feb. 20, 1807, vol. 5, 8.
 Mechanics and Tradesmen, March 14, 1792, April 3, 1811, sess. 15, ch. 26, vol. 6, 194.
 Missionary, Feb. 5, 1808, sess. 31, ch. 3, sess. 32, ch. 140.
 Mutual Aid, April 6, 1807, vol. 5, 217.
 Mutual Assurance, March 23, 1798, sess. 21, ch. 45.
 Mutual Benefit, Feb. 16, 1805, vol. 4, 7.
 Mutual Insurance, March 28, 1809, sess. 32, ch. 149.
 Mutual Relief, April 6, 1808, sess. 31, ch. 137.
 Ocean Insurance, March 2, 1810, sess. 33, ch. 19.
 Orphans' Asylum, April 7, 1807, vol. 5, 236, 412, sess. 32, ch. 19, vol. 6, 175.
 Phoenix Insurance, Feb. 20, 1807, vol. 5, 13.
 Provident, Feb. 16, 1805, vol. 4, 7.
 Sailors' Snug Harbor, Feb. 6, 1806, vol. 4, 323.
 Slate Company, March 23, 1810, sess. 33, ch. 89.
 Sugar Refining, March 22, 1811, vol. 6, 140.
 Society for relief of poor widows with small children, April 2, 1802, vol. 3, 156, April 5, 1810, sess. 33, ch. 148.
 For relief of widows and children of clergymen of the Episcopal church, March 23, 1798, sess. 21, ch. 49, vol. 2, 536.
 Tammany, April 9, 1805, vol. 4, 278.
 Teachers, April 4, 1811, vol. 6, 230.
 Thistle, April 6, 1808, sess. 31, ch. 136.

- Oldenbarneveld Manufacturing, April 9, 1811, vol. 6, 274, 532.
 Oneida Manufacturing, March 9, 1810, sess. 33, ch. 49.
 Iron and Glass Manufacturing, March 23, 1810, vol. 6, 467. Sess. 33. 98.
 Glass Factory, Feb. 17, 1810, sess. 32, ch. 31.
 Onondaga Manufacturing, June 19, 1812, vol. 6, 573
 Ontario Glass Manufacturing, March 2, 1810, sess. 33, ch. 27, vol. 6, 366.
 Manufacturing,* Sept. 17, 1811.
 Manumission, June 19, 1812, vol. 6, 580.
 Orange Factory,* July 27, 1812.
 Oriskany Manufacturing, Feb. 16, 1811, vol. 6, 97.
 Otsego Card and Wire, Feb. 12, 1813, sess. 36, ch. 25.
 Cotton Manufactory,* Aug. 4, 1813.
 The Pine Grove Woollen Factory,* Feb. 1, 1813.
 Paris Friendly Woollen and Cotton Manufacturing,* March 4, 1813.
 Farmers' Woollen Manufacturing,* March 23, 1813.
 Pleasant Valley Manufacturing, March 7, 1809, sess. 32, ch. 64.
 Poughkeepsie Humane. March 6, 1812, vol. 6, 361.
 General Society of Mechanics, April 11, 1808, sess. 31, ch. 235.
 Mechanic Humane, April 11, 1808, sess. 31, ch. 235.
 Rensselaer Glass Factory, Feb. 28, 1806, vol. 4, 342.
 Woollen and Cotton Factory, March 23, 1810, sess. 33, ch. 81,
 sess. 36, ch. 47
 Rutland Woollen Manufacturing,* Oct. 26, 1811.
 Salisbury Manufacturing,* July 1, 1813.
 Schenando Cotton Manufactory,* March 22, 1813.
 Schenectady Social, Feb. 16, 1805, vol. 4, 7.
 St. Andrews March 27, 1807, vol. 5, 83.
 Manufacturing,* Dec. 7, 1811.
 Schoharie Paper Manufactory, April 2, 1810, sess. 33, ch. 122.
 Seneca Glass,* June 18, 1811.
 Smithfield Manufacturing, March 12, 1810, sess. 33, ch. 52.
 Somerstown Manufacturing, Feb. 22, 1811, vol. 6, 106.
 Stanford Manufacturing,* Jan. 19, 1813.
 State Society for Promotion of Useful Arts, March 12, 1793, April 2, 1804,
 vol. 2, 525, vol. 3, 604, vol. 4, 60, vol. 5, 243, 522.
 Steuben Woollen Manufacturing,* Jan. 15, 1812.
 Susquehannah Coal Company, April 3, 1811, vol. 6, 212.
 Cotton and Woollen Manufacturing,* July 22, 1813.
 Tappan Reformed Protestant Dutch Church, Feb. 25, 1783, sess. 6, ch. 17,
 vol. 2, 537.
 Ticonderoga Iron Manufacturing,* October 25, 1813.
 Troy Washington Volunteer Fire, May 26, 1812, vol. 6, 387.
 Wool and Cotton Factory,* June 15, 1812.
 Ulster Lead Mining and Manufacturing, June 1, 1812, vol. 6, 400.
 Union Cotton Manufactory, March 27, 1809, sess. 32, ch. 115, sess. 36, ch. 44.
 Manufacturing,* January 13, 1813.
 United Brethren, February 29, 1804, vol. 3, 599.
 Urtica Whitlowi, April 12, 1813, sess. 36, ch. 192.
 Utica Glass Manufacturing, March 9, 1810, sess. 33, ch. 37.
 Verbank Manufacturing,* March 14, 1812.
 Woolen Manufacturing,* May 31, 1813.
 Walloomsack Manufacturing,* June 18, 1812,
 Westchester County Manufacturing, February 22, 1811, vol. 6, 104.
 Western Woollen and Linen Manufacturing,* March 3, 1813.
 Westfarms Company for Manufacturing Paints, March 17, 1809, sess. 32,
 Whitestown First Religious, April 8, 1808, sess. 31, ch. 181 [ch. 75.
 Cotton and Woollen Manufacturing,* January 23, 1813.
 Wharton creek manufacturing,* October 28, 1813.
 Whitesborough Cloth Manufacturing,* April 19, 1811.
 Woodstock Glass Manufacturing, March 24, 1809, sess. 32, ch. 86, vol. 6, 575.
Note.—These corporations marked thus * were formed under the general

act of incorporation for manufacturing purposes of March 22d, 1811, *vide* vol. 1, 245.

NO. XV—NAVIGATION.

The following acts relate to *navigation*—some of them being *incorporations*, &c.

Hudson River, vol. 2, 302, vol. 3, 482, vol. 5, 234, vol. 6, 492.

Lock Navigation, vol. 2, 304, 320, 324, 326, 334, vol. 4, 410, vol. 5, 406.

Between Lakes Erie and Ontario, vol. 2, 328.

Between Troy and Waterford; vol. 3, 313, vol. 4, 460, vol. 5, 439, §6, vol. 6, 31.

Navigable Streams in Steuben County, vol. 3, 480, vol. 5, 263, vol. 6, 217.

Peconick River Lock Navigation, sess. 3I, ch. 157, vol. 5, 522.

Lake Champlain, vol. 5, 142.

Lock Navigation in the St. Lawrence }
in the town of Madrid, } Sess. 3I, ch. 12I, vol. 6, 113.

Navigation between Troy, }
Lansingburgh and Waterford, } Vol. 6, 5I, sess. 36, ch. 185.

Black River and Jefferson, vol. 6, 118.

Sag-Harbor and State Pier, vol. 6, 187.

Internal Navigation of the State, vol. 6, 584, sess. 34, ch. 188.

Navigation in the St. Lawrence River, vol. 6, 329.

Between Troy and Coeyman's Overslaugh, vol. 6, 492.

Steam-Boats, vol. 3, 323, vol. 5, 213, 407, vol. 6, 285.

Of Bronx River, sess. 36, ch. 118.

Between Seneca and Cayuga Lakes, sess. 36, ch. 144.

END OF VOLUME II.

ERRATA, CORRIGENDA, ET ADDENDA.

VOL. I.

PAGE 35—*Dele* “45” in margin, and insert “47.”

47—For “*liberites*,” in the note to the title of the act, read “*liberties*.”

50—For “*writs of rights*,” in the title, read “*writs of right*.”

56—In margin, for “20 H. 3. c. 20,” read “20. H. 3. c. 1.”

57—*Dele* 13 Ed. 1.

64—For “13 Ed. c. 8,” in margin, read “13 El. c. 8.”

75—*Dele* in “13 El. 1. c. 5,” in margin, the “1.”

77—*Dele* in margin of § 6, “4 W. & M. c. 16.”

91—For 3 E. 1. c. 17, in margin, read “3. Ed. 1. c. 17.”—and *dele* “5. H. 5. c. 7.”

93—In the margin of § 7, *add* “52. H. 3. c. 4.—3. Ed. 1. c. 16.”

99—For “27. El. c. 10,” in margin of § 1, read “31. El. c. 10.”

103—In “19 Carr. 2. c. 6,” *dele* the last “r.”

105—*Dele* “13. Ed. 1. c. 15,” in margin of § 4, and insert “*vide* references *supra*.”

112—*Dele* the whole act being ch. 23—the same act having been revised and passed.—*vide* page 412.

157—*Add* in margin of § 2. of ch. 48. “39. El. c. 9.”

165—*Dele* in margin of § 1, “13. Ed. 1. st. 1. c. 11.”

166—For “6. H. 6. c. 6,” in margin of § 5, read “6. H. 6. c. 1.”

172—*Dele* in margin of § 1, “3. Ed. 1. c. 25, 28, 49,” the “49.”

176—*Add* in margin of § 1, “12. Car. 2. c. 24.—43. Geo. 3. c. 69.”

306—*Add* in margin of § 1, “7 Jac. 1. c. 4.”

316 } For “3. W. & M. c. 14,” in margin, read “3. & 4. W. & M. c. 14.”

354—For “31. Car. c. 2,” in margin of § 1, read “31. Car. 2. c. 2.”

493—For the words “twelfth and thirteenth,” in § 2, read “eleventh and twelfth,”—and for “twenty second,” in § 23, read “twenty-first”—and for “*twelfth*,” in § 21, read “*eleventh*.”

515—For “set-offs,” in bottom note, read “set-offs.”

VOL. II.

PAGE 44—In marginal note, *dele* last *a* in middle.

460—In note to this page *dele* 1608, and insert 1614.

507—In margin of § 3, *dele* “*general sessions or*.”

508—To the act concerning the School fund, &c. *add* the following note, omitted in the Revision :
 “*Note*—On the 9th April, 1795, 250,000 dollars, payable in five equal annual instalments, were appropriated by law for the purpose of “encouraging and maintaining schools,” and that sum was distributed among the several counties.—*vide* Gr. v. 3. 248. The law was amended April 6, 1796, and March 10, 1797.—*vide* Gr. v. 3. 326, 397, and became obsolete April 9, 1800. On the 2d April, 1805, the nett proceeds of 500,000 acres of land, were appropriated as a fund for support of common schools.—*vide* W. v. 4. 126—*vide* also Vol. 1, of this edition, for the regulations of common schools, &c.”

APPENDIX.

[N^o. I.]

Capitulation by the Dutch to the English.

“These Articles following were consented to by the Persons here-under subscribed, at the Governour's Bowery, August the 27th Old Style, 1664.”

“I. WE consent That the States General, or the *West-India* Company, shall freely enjoy all Farms and Houses (except such as are in the Forts) and that within six months, they shall have free Liberty to transport all such Arms and Ammunition, as now does belong to them, or else they shall be paid for them.

II. “All Publique Houses shall continue for the Uses which they are for.

III. “All People shall still continue free Denizens, and shall enjoy their Lands, Houses, Goods, wheresoever they are within this Country, and dispose of them as they please.

IV. “If any Inhabitant have a Mind to remove himself, he shall have a Year and six Weeks from this day, to remove himself, Wife, Children, Servants, Goods, and to dispose of his Lands here.

V. “If any Officer of State, or Publique Minister of State, have a Mind to go for *England*, they shall be transported Freight free, in his Majesty's Frigotts, when these Frigotts shall return thither.”

VI. “It is consented to, that any People may freely come from the *Netherlands*, and plant in this Colony, and that *Dutch* Vessels may freely come hither, and any of the *Dutch* may freely return home, or send any Sort of Merchandize home, in Vessels of their own Country.

VII. “All Ships from the *Netherlands*, or any other Place, and Goods therein, shall be received here, and sent hence, after the manner which formerly they were, before our coming hither, for six Months next ensuing.

VIII. “The *Dutch* here shall enjoy the Liberty of their Consciences in divine Worship and Church Discipline.

IX. “No *Dutchman* here, or *Dutch* Ship here, shall upon any occasion, be pressed to serve in War against any Nation whatsoever.

X. “That the Townsmen of the *Manhattans*, shall not have any Soldiers quartered upon them, without being satisfied and paid for them by their Officers, and that at this present, if the Fort be not capable of lodging all the Soldiers, then the Burgomasters, by his Officers, shall appoint some Houses capable to receive them.

XI. “The *Dutch* here shall enjoy their own Customs concerning their Inheritances.

XII. “All Publique Writings and Records, which concern the Inheritances of any People, or the Reglement of the Church or Poor, or Orphans, shall be carefully kept by those in whose Hands now they are, and such Writings as particularly concern the States General, may at any Time be sent to them.

XIII. “No Judgment that has passed any Judicature here, shall be called in Question, but if any conceive that he hath not had Justice done him, if he apply himself to the States General, the other Party shall be bound to answer for the supposed Injury.

XIV. “If any *Dutch*, living here, shall, at any Time desire to travaile or traffique into *England*, or any Place, or Plantation, in Obedience to his Majesty of
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APPENDIX.

“ *England*, or with the *Indians*, he shall have (upon his Request to the Governor) a Certificate that he is a free Denizen of this Place, and Liberty to do so.

XV. “ If it do appeare, that there is a publique Engagement of Debt, by the Town of the *Manhattoes*, and a Way agreed on for the satisfying of that Engagement, it is agreed, that the same Way proposed shall goon, and that the Engagement shall be satisfied.

XVI. “ All inferior Civil Officers and Magistrates, shall continue as now they are, (if they please) till the customary Time of new Elections, and then new ones to be chosen by themselves, provided that such new chosen Magistrates shall take the Oath of Allegiance to his Majesty of *England*, before they enter upon their Office.

XVII. “ All Differences of Contracts and Bargains made before this Day, by any in this Country, shall be determined, according to the Manner of the *Dutch*.

XVIII. “ If it do appeare, that the *West-India* Company of *Amsterdam*, do really owe any Sums of Money to any Person here, it is agreed that Recognition, and other Duties payable by Ships going for the *Netherlands*, be continued for 6 Months longer.

XIX. “ The Officers Military, and Soldiers, shall march out with their Arms, Drums beating, and Colours flying, and lighted Matches; and if any of them will plant, they shall have fifty Acres of Land set out for them; if any of them will serve as Servants, they shall continue with all Safety, and become free Denizens afterwards.

XX. “ If at any Time hereafter, the King of *Great Britain*, and the States of the *Netherland*, do agree that this Place and Country be re-delivered into the Hands of the said States, whensoever his Majestie will send his Commands to redeliver it, it shall immediately be done.

XXI. “ That the Town of *Manhattans* shall choose Deputyes, and those Deputyes shall have free Voyces in all publique Affairs, as much as any other Deputyes.

XXII. “ Those who have any Property in any Houses in the Fort of *Aurania*, shall (if they please) slight the Fortifications there, and then enjoy all their Houses, as all People do where there is no Fort.

XXIII. “ If there be any Soldiers that will go into *Holland*, and if the Company of *West-India* in *Amsterdam*, or any private Persons here, will transport them into *Holland*, then they shall have a safe Passport from Colonel *Richard Nicholls*, Deputy-Governor under his Royal Highness, and the other Commissioners, to defend the Ships that shall transport such Soldiers, and all the Goods in them, from any Surprizal or Acts of Hostility, to be done by any of his Majestie's Ships or Subjects. That the Copies of the King's Grant to his Royal Highness, and the Copy of his Royal Highness's Commission to Colonel *Richard Nicholls*, testified by two Commissioners more, and Mr. *Winthrop*, to be true Copies, shall be delivered to the honourable Mr. *Stuyvesant*, the present Governor, on *Munday* next, by Eight of the Clock in the Morning, at the *Old Miln*, and these Articles consented to, and signed by Colonel *Richard Nicholls*, Deputy-Governor to his Royal Highness, and that within two Hours after the Fort and Town called *New-Amsterdam*, upon the Isle of *Manhattoes*, shall be delivered into the Hands of the said Colonel *Richard Nicolls*, by the Service of such as shall be by him thereunto deputed, by his Hand and Seal.

“ *John De Deckér,*

“ *Nich. Verleet,*

“ *Sam. Megapolensis,*

“ *Cornelius Steenwick,*

“ *Oloffe Stevens Van Kortlant,*

“ *James Cousséart,*

“ *Robert Carr,*

“ *Geo. Carteret,*

“ *John Winthrop,*

“ *Sam. Willys,*

“ *Thomas Clarke,*

“ *John Pinchon.*

“ I do consent to these Articles,

“ *RICHARD NICOLLS.*”

“THE CHARTER of Libertys and Privileges granted by his Royal Highness to the Inhabitants of New-York and its Dependencies.

[Passed, Oct. 30, 1683.]

“For the better establishing the Government of this province of New-York, and thatt Justice and Right may bee equally done to all persons within the same: Bee it enacted by the Govern’r, Councell, and Representatives now in gen’al assembly, mett and assembled, and by the authority of the same,

“Thatt the Supreme legislative Authority under his Majesty and Royall Highnesse James, Duke of Yorke, Albany, &c. Lord propriotor of the said province, shall forever bee and reside in a Governour, councell and the people, mett in Gene’al assembly.

“That the Exercise of the Chiefe magistracy and administration of the government over the said Province, shall be in the said Govern’r; assisted by Councell, with whose advice and consent, or with att least four of them, hee is to rule and govern the same according to the laws thereof.

“Thatt in case the Governour shall dy or bee absent out of the province, and thatt there bee no person within the said province, comissionated by his Royall Highnesse his heyres or successors, to bee Governour or Commander in Chief there, thatt then the Councell for the time being, or so many of them as are in the said province, do take upon them the Administracon of the government, and the Execucon of the laws thereof, and powers and authoritys belonging to the Governour and councell. The first in nominacon, in which councell is to preside untill the said Governour shall returne and arrive in the said province againe, or the pleasure of his Royall Highnesse, his heyres or successors, bee further known—

“Thatt, according to the usage, costome, and practice of the Realm of England, a sessions of a generall assembly bee held in this province once in three yeares att least.

“That every freeholder within this province, and freeman in any corporacon, shall have his free choice and vote in the Electing of the representatives, without any manner of constraint or imposition, and that in all Elections the Majority of Voices shall carry itt, and by freeholders is understood every one who is so understood according to the laws of England.

“Thatt the persons to bee elected to sitt as representatives in the Generall assembly from time to time for the severall Cittys, Towns, Countyes, Shires, or divisions of this province, and all places within the same shall bee according to the proporcon and number hereafter expressed—That is to say—For the city and county of New-York four—For the county of Suffolk two—For Queen’s county two—For King’s county two—For the county of Richmond one—For the county of Westchester

—For the county of Ulster two—For the county of Albany two—And for Schanectade, within the said county, one—*For Duke’s county one—For the county of Cornwall one.*

“And as many more as his Royall Highness shall think fit to establish.

“Thatt all persons chosen and assembled in manner aforesaid, or the major part of them, shall be deemed and accounted the representatives of this province, which said representatives, together with the Governor and his councell, shall forever be the supream and only legislative power under his Roy’l Highnesse, of the said province—

“Thatt the said representatives may appoint their own times of meeting during their sessions, and may adjourne their house, from time to time, to such time as to them shall seem meet and convenient.

“That the said representatives are the sole Judges of the Quallificacons of their own members, and likewise of all undue elections, and may, from time to time, purge their house as they shall see occasion during the said sessions.

* “Duke’s and Cornwall counties do not appear ever to have sent members to General assembly.

"Thatt no Member of the Generall Assembly, or their servants, during the time of their sessions, whilst they shall be going to, and returning from the said assembly, shall be arrested, sued, imprisoned, or any wayes molested or troubled, nor bee compelled to make answer to any suite, bill, plaint, declaracon or otherwise, cases of High treason and felony only excepted—*provided* the number of the said servants shall not exceed three.

"Thatt all bills agreed upon by the said Representatives, or the major part of them, shall bee presented unto the Governour and his counsell for their approbacon and consent, all and every which said bills so approved of and consented to by the Governor and his Counsell, shall bee esteemed the Lawes of the province which said lawes shall continue and remaine in force untill they shall bee repeeled by the Authority aforesaid; That is to say, The Governour, Counsell, and Representatives in Generall Assembly, by and with the approbation of his Royal Highnesse, or expire by their own limitations.

"Thatt in all cases of death or removeall of any of the said Representatives, the Governour shall issue out summons by Writt to the respective Townes, Cityes, Shires, Countyes or Divisions for which hee or they so removed or deceased were chosen, willing and requiring the freeholders of the same to elect others in their place and stead.

"Thatt no freeman shall bee taken and imprisoned, or bee disseized of his freehold or liberty, or free customes, or bee outlawed or exiled, or any other wayes destroyed, nor shall be passed upon, adjudged or condemned, butt by the lawfull judgment of his peers, and by the law of this province, justice nor right shall bee neither sold, denied, or deferred to any man within this province.

"Thatt no aid, tax, tallage, assessment, custom, loane, benevolence, or imposition whatsoever, shall bee layed, assessed, imposed, or levied on any of his Majties subjects within this province, or their Estates uppon any Manner of colour or pretence, butt by the act and consent of the Governor, counsell and representatives of the people in generall assembly mett and assembled.

"Thatt no Man, of whatt Estate or Condition soever, shall be putt out of his lands or tenements, nor taken nor imprisoned nor disinherretted, nor banished, nor any wayes destroyed without being brought to answer by due course of law.

"Thatt a freeman shall not bee amerced for a small fault, butt after the manner of his fault, and for a great fault after the greatnesse thereof, saving to him his freehold, and a husbandman saving to him his wainage, and a merchant likewise saving to him his Merchandize, and none of the said amerciaments shall bee assessed butt by the oath of twelve honest and lawful men of the vicinage—*provided* the faults and misdemeanours be not in contempt of courts of Judicature.

"All tryalls shall bee by the Verdict of twelve men, and as near as may bee, Peers or Equals of the Neighbourhood, and in the County, Shire, or Division where the fact shall arise or grow, whether the same bee by Indictment, Informacon, Declaracon, or otherwise, against the person, offender, or defendant.

"Thatt in all cases capitall or criminall, there shall be a grand Inquest, who shall first present the Offence, and then twelve Men of the Neighbourhood to try the Offender, who after his plea to the Indictment, shall be allowed his reasonable challenges.

"Thatt in all cases whatsoever Bayle, by sufficient suretys, shall be allowed and taken, unlesse for Treason or felony plainly and specially expressed and menconed in the Warrant of Commitment; *Provided alwayes*, thatt nothing herein conteyned shall extend to discharge out of prison, uppon Baile, any person taken in execucon for debts, or otherwise legally sentenced by the judgment of any of the Courts of Record within this province.

"Thatt no freeman shall be compelled to receive any marriners or souldiers into his house, and there suffer them to sojourn against their wills; *Provided alwayes*, it be not in time of actuall war within this province.

"Thatt no commissions for proceeding by martiall law ag'st any of his Majties subjects, within this province, shall issue forth to any person or persons whatsoever, least by colour of them any of his Majties subjects bee destroyed or putt to death, except all such officers, persons and souldiers in pay throughout the Government.

"That from henceforward no lands within this province shall be esteemed or accounted a chattle or personall Estate, but an Estate of Inheritance according to the customes and practice of his Majestye's realme of England.

Thatt no Court or Courts within this province have, or att any time hereafter shall have any Jurisdiccon, power or authority, to grant out any execucon or other writt, whereby any man's land may bee sold, or any other way disposed of, without the owner's consent; *Provided alwayes*, that the issues or meane profitts of any man's land shall or may bee extended by execucon or otherwise, to satisfy just debts, any thing to the contrary hereof in any wise notwithstanding.

Thatt no Estate of a flemme covert shall be sold or conveyed butt by deed acknowledged by her in some Court of Record, the woman being secretly examined, if shee doth itt freely without threats or compulsion of her husband.

Thatt all wills in Writing attested by two credible Witnesses. shall be of the same force to convey lands as other Conveyances being registered in the Secretary's office within forty days after the testator's death.

Thatt a Widdow, after the death of her Husband, shall have her dower, and shall and may tarry in the chiefe house of her husband forty days after the death of her husband, within which forty days her dower shall bee assigned her, and for her dower shall bee assigned unto her the third part of all the lands of her husband during coverture, except shee were endowed of lesse before marriage.

Thatt all lands and heritages within this province and dependencies, shall bee free from all fines and lycences upon alienacons, and from all heriotts, wardships, liverys, premier seizins, year, day, and wast, escheats, and forfeitures upon the death of parents or ancestors, naturall, unnaturall, casuall or judicciall, and thatt for ever; cases of High Treason only excepted.

Thatt no person or persons, which professe ffaith in God by Jesus Christ, shall, at any time, be any wayes molested, punished, disquieted, or called in question for any difference in opinion or matter of religious concernment, who do nott actually disturbe the civill peace of the province, butt thatt all and every such person or p'sons may, from time, and at all times freely have and fully enjoy, his or their judgments or consciences in matters of religion throughout all the province, they behaving themselves peaceably and quietly, and nott using this liberty to Lycenciousnesse, nor to the civill injury or outward disturbance of others; *Provided always*, Thatt this liberty, or any thing conteyned therein to the contrary, shall never be construed or improved to make void the settlement of any publike minister on Long Island, whether such settlement bee by two thirds of the voices in any Towne thereon, which shall alwayes include the minor part; or by subscriptions of particular inhabitants in said townes; *Provided*, they are the two thirds thereof: *Butt* thatt all such agreements, covenants and subscriptions thatt are there already made and had, or thatt hereafter shall bee in this manner consented to, agreed and subscribed, shall att all time and times hereafter, bee firm and stable; and in confirmation hereof, it is enacted by the Governour, Councell, and Representatives, That all such summs of money so agreed on, consented to, or subscribed as aforesaid, for maintenance of said publike ministers, by the two thirds of any towne on Long Island, shall alwayes include the minor part, who shall bee regulated thereby: and also such subscriptions and agreements as are beforesaid, are and shall bee alwayes ratifyd, performed and payd, and if any towne on said Island, in their publike capacity of agreement with any such minister or any particular persons, by their private subscriptions as aforesaid, shall make default, deny, or withdraw from such payments so covenanted to, agreed upon, and subscribed, thatt in such case, upon complaint of any Collector appointed and chosen by two thirds of such towne upon Long Island, unto any Justice of thatt County, upon his hearing the same, he is hereby authorized, impowered, and required to issue out his warrant unto the constable or his deputy, or any other person appointed for the collection of said rates or agreement, to levy upon the goods and chattells of said delinquent or defaulter, all such summes of money so covenanted and agreed to be paid, by distresse, with costs and charges, without any further suit in law, any law, custome or usage to the contrary in any wise notwithstanding; *Provided always*, the said summe or summes bee under forty shillings, otherwise to be recovered as the law directs.

And whereas all the respective Christian Churches now in practice within the City of New-Yorke, and the other places of this province, do appear to bee privileged Churches, and have been so established and confirmed by the former authority of this Government; *Bee it hereby enacted by this present Generall Assembly, and by the Authority thereof*, That all the said respective Christian Churches be hereby confirmed therein, and thatt they and every of them shall from henceforth, forever, be held and reputed as privileged churches, and enjoy all their former freedoms

of their religion in divine worship and church discipline; and thatt all former contracts made and agreed on for the maintenances of the several ministers of the said Churches, shall stand and continue in full force and vertue, and thatt all contracts for the future to bee made, shall be of the same power; and all p'sons that are unwilling to performe their part of the said contract, shall bee constrained thereunto by a warrant from any Justice of the Peace; *Provided* itt bee under forty shillings, or otherwise, as the law directs; *Provided also*, That all other Christian Churches that shall hereafter come and settle within this province, shall have the same privileges.

"A continued bill for defraying the requisite charges of the government.

[This *continued* bill grants certain duties on liquors, merchandizes, &c. to the Governor, for the support of government, and is on the same engrossed bill with the foregoing "charter of libertys," &c. and passed with it.]

"New-Yorke, Oct. 26. 1683.

"The Representatives have assented to this bill, and order it to bee sent up to the Governo'r and Councell for their assent.

"M. NICOLLS, Speaker."

"After three times reading, it is assented to by the Governour and Councell this thirtieth of October, 1683.

"THO. DONGAN.

"John Spragge, Clerk of the Assembly."

N. B. It is worthy of remark, that the Crown, in 1697, repealed a law very similar in its provisions to the preceding charter, &c. entitled, 'An act declaring what are the rights and privileges of their Majestyes subjects inhabiting within their province of New-Yorke.' This act may be seen at large in Br. ed. pages 1, 2, 3, 4, &c. and was passed in 1591. Vide also Smith's History of New-York, 76, *in notes*. It is presumed that the foregoing "Charter of Libertys," &c. shared the same fate, though no record has yet been met with, to ascertain the fact.

[No. III.]

An Act to divide this Province and Dependences into Shires and Countyes.

Having taken into consideracon the necessity of dividing the province into respective countys for the better governing and settling courts in the same; *Bee it enacted by the Governour, Councell, and Representatives, and by the authority of the same*, Thatt the said province be divided into twelve countys, as followeth:

The city and county of New-Yorke, to containe all the island, commonly called Manhattan's Island, Manning's Island, and the two barne islands, the citty to bee called as itt is *New-York*, and the islands above specified, the county thereof.

The county of Westchester to conteyn West and Eastchester, Broweke's land, Fordham, Annehooke's Neck, Richbills, Minford's Islands, and all the land on the Maine to the eastward of Manhattan's island, as farre as the government extends, and the Younkers' land, and northward along Hudson's River as farr as the High Land.

The county of Ulster to conteyne the towne of Kingston, Hurly, and Marbletowne, Foxhall, and the new Paltz, and all the villages, neighbourhoods, and Christian habitacons on the west side of Hudson's River, from the Murderer's Creeke, neare the Highlands, to the Sawyers Creeke.

The county of Albany to conteyne the towne of Albany, the colony of Renslaerswyck, Schonechtada, and all the villages, neighbourhoods, and Christian plantacons on the east side of Hudson's River, from Roelef Jansen's Creeke, and on the west side from Sawyer's Creeke to the Saraaghtoga.

The Dutchess's county to bee from the bounds of the county of Westchester on the south side of the Highlands, along the east side of Hudson's River, as farre as Roelef Jansen's Creeke, and eastward into the woods twenty miles.

The county of Orange to beginne from the limmitts or bounds of East and West Jersey, on the west side of Hudson's River, along the said river to the Murderer's Creeke, or bounds of the county of Ulster, and westward into the woods as farr as Delaware river.

The county of Richmond to conteyne all Staten Island, Shutter's island, and the islands of Meadow on the west side thereof.

King's county to conteyne the severall towns of Boshwyck, Bedford, Brucklyn, Flatbush, Flatlands, New Utrecht, and Gravesend, with the severall settlements and plantacons adjacent.

Queen's county to conteyne the severall towns of Newtowne, Jamaica, Flushing, Hempstead, and Oysterbay, with the severall outfarms, settlements and plantacons adjacent.

The county of Suffolk to conteyne the severall towns of Huntington, Smithfield, Brookhaven, Southampton, Southold, Easthampton, to Montauk Point, Shelter Island, the Isle of Wight, Fisher's Island and Plumb Island, with the several outfarms, settlements and plantacons adjacent.

* *Duke's county* to conteyne the islands of Nantuckett, Martin's Vineyard, Elizabeth Island, and No Man's Land.

* *The county of Cornwall* to conteyne Pemaquid, and all his Royall Highnesses territories in those parts, with the islands adjacent.

And forasmuch as there is a necessity of a High Sheriff in every county in this province,

Bee it therefore enacted by the Governour, Councill, and Representatives in General Assembly mett, and by the authority of the same, That there shall be yearly and every yeare, an High Sheriff constituted and commissioned for each county, and thatt each Sheriff may have his Under-sheriff, Deputy or Deputys.

New-Yorke, Nov. 1, 1683.

The Representatives have assented to this bill to be sent up to the Governo'r and Councill for their assent.

M. NICOLLS, Speaker.

This bill having been three times read before the Governo'r and Councill is assented to, the first of November, 1683.

THO. DONGAN.

[Endorsed.]

Past to bee enrolled November 2d, 1683.
JOHN SPRAGGE, Clerck of the Assembly.

In April, 1691, [*Vide* Bradford's edition of 1710] an act was passed, entitled, "An act to divide this province and dependencies into shires and counties," similar to the preceding, *except* in the following particulars.

The city and county of New-York, instead of the "two barne islands," merely names them "the Two Islands," and *in addition* thereto are included "The three Oyster islands, and the rest of the islands of the county," and "Manhattan's Island to be called the city of New-York."

Westchester county, "Annehooke's Neck," not named—"Manor of Pelham," added.

The county of Albany—"the towne of Albany," omitted to be named—"Colony of Renslaerswyck," called "*The Mannor* of Ranslaerswyck," and instead of "to the Saraaghtoga," is substituted "to the uttermost end of Sarraghtoga."

King's county—"Boshwyck" called "Bushwick"—"Brucklyn," called "Brookland."

Queen's county—after "Oyster Bay," is added "*with Horseneck*," and are added, "The island called the *Two Brothers*, and Hullett's island."

* Afterwards surrendered to assaghusepts, see Act dividing the state into counties: vol. 2, page 221.

[N^o. IV.]*An Act to settle Courts of Justice.*

FFOR the more orderly hearing and determining of matters and cases of controversy between partye and parties, and for the due execution of the lawes: *Bee itt enacted by the Governour, Councell, and Representatives in Generall Assembly, and by the Authority of the same,* That in every towne in and throughout this province, there bee one Court held monthly and every month throughout the year, on the first Wednesday of the month, for the hearing and determining of small causes and cases of debt and trespassse to the value of forty shillings or under, which causes and cases shall be heard, tryed, and determined, by three persons to be commissioned for thatt purpose, without a jury. The province of warning to this court, shall be a summons under the hand of one of the Commissioners by a messenger belonging to the said court, which being personally served by him, or left att the defendant's house four days before the court, shall bee sufficient authority to and for the members of the said court, to proceed on such cases or causes, and determine the same in the defendant's absence, if the members of the court see not cause to the contrary, and to grant execucon thereon against the defendant's person, and for want there of his estate, which the messenger shall and may serve. *Always provided, and bee it further enacted by the authority aforesaid,* That if the plaintiff or defendant shall desire a jury, it shall be allowed, but att the proper costs and charges of the person desiring the same.

And that justice may neither be denied nor deferred; *Bee it further enacted by the authority aforesaid,* That from henceforth there shall bee held and kept within every county of the said province courts of sessions, yearly and every year, for the hearing, trying, and determining of all causes and cases then brought and commenced, as well cases and causes criminal, as cases and causes civil, between party and party; which cases and causes shall be tryed by the verdict of twelve men of the neighbourhood within the county where the fact shall arise or grow, whether the same bee by indictment, information, declaration, or otherwise, against the person, offender or defendant; and thatt the judges or justices of the respective sessions shall bee the justices of peace of every the said respective countys, or three of them att the least, to which court shall belong one clark of the sessions or clark of the peace, to draw, enter, and keep the records of indictments, informacons, and declarations, pleas, judgments and proceedings there to be had and made, and one marshall or cryer of the court to call the jurors, and proclaim the commands and orders of the court. And for the regular proceedings in the said courts, all processe and summons of persons to appeare, and to execute the judgments and execucons of this court, shall be directed to the sheriff of the county, and executed by him or his under-sheriff, or deputy or deputys: And all process or writs for actions betwixt party and party in the said court, shall issue out of the office of the clark of the peace, or clark of sessions in each county respectively, signed *per curiam*. *Provided always, and be it further enacted by the authority aforesaid,* Thatt the said severall and respective courts of sessions shall be held, and kept yearly at the respective times and places hereafter expressed. That is to say for the county and city of New-York the first Tuesday in FFebruary, the first Tuesday in May, the first Tuesday in August, and the first Tuesday in November yearly and every yeare, at the city hall of the said city; for the county of Westchester, the first Tuesday in June, and the first Tuesday in December yearly, and every year, the one to bee held att Westchester and the other att Eastchester; for the county of Ulster, the first Tuesday in March, and the first Tuesday in September att Kingstown; for the county of Orange, the second Tuesday in March, and the second Tuesday in September; for Dutchess county, the third Tuesday in March, and the third Tuesday in September; for the county of Albany, the first Tuesday in March, the first Tuesday in June, and the first Tuesday in September, att the town hall of Albany; for the county of Richmond, the first Tuesday in March, and the first Tuesday in September; for the King's county, the first Tuesday in Aprill, and the first Tuesday in October, at Gravesend; for the Queen's county, the second Tuesday in March, and the second Tuesday in October, at Ja-

maica; for the county of Suffolk, the third Tuesday in March, and the third Tuesday in October, to be held at Southampton and Southold respectively; for the Duke's county, to be referred to the Governor and Councell: And the county of Cornwall likewise, to be referred to the Governour and Councell.

And that there may be no defect of justice, but that all and every the inhabitants of the province may have and enjoy all proper ways and means to recover and have their just rights within the same according to law: *Be itt further enacted by the authority aforesaid*, That annually, and every year, there shall be within this said province, and in each respective county within the same, a Court of Oyer and Terminer, and General Gaol Delivery, which said Court shall have power and jurisdiction to try, hear and determine, all matters, causes and cases, capitall, criminall, or civill, and causes, tryalls att common law, in and to which the said Court, all and every persons whattsoever, shall or may, if they see meet, remove any action or suit, debts or damages laid in such actions or suits, being five pounds or upwards, or shall or may by warrant, writt of error or *certiorari*, remove out of any inferior Court, any judgment, informacon or indictment there had and depending, and may correct errors in judgment, and reverse the same if there be just cause for itt; the members of which Court shall be a Judge, assisted with four of the Justices of the Peace of the county, who shall be commissioned for that purpose.

Always provided and be it further enacted by the authority aforesaid, Thatt this Court of Oyer and Terminer, and Generall Gaol Delivery, shall sitt and hold Court *in each respective County twice every year*; *That is to say*, in the city and county of New-York, on the first Wednesday in April, and the first Wednesday in October, at the City-hall of said city; in the county of Westchester, the first Wednesday in December; for the county of Ulster the first Wednesday in June; for the county of Orange, the second Wednesday in June; for Dutchess county the third Tuesday in June; for the county of Albany, the second Wednesday in May; for the county of Richmond, the third Wednesday in October; for the King's county, the last Wednesday in October; for the Queen's county, the first Wednesday in November; for the county of Suffolk, the second Wednesday in November, one yeare to bee held att Southampton, and the next successively att Southold; for the Duke's county, and county of Cornwall, to be referred to the Governour and Councell as aforesaid: *Provided always, and bee itt further enacted by the authority aforesaid*, Thatt no person's right or property shall bee by this Court determined, excepting where matters of fact are either acknowledged by the partys, or judgment bee acknowledged or passed by the defendant's fault for want of plea or answer, unless the fact be found by the verdict of twelve men of the neighbourhood, as itt ought of right to be done by the law.

Bee it further enacted by the authority aforesaid, Thatt there shall be a Court of Chancery within this province, which said Court shall have power to heare and determine all matters of equity, and shall bee esteemed and accounted the Supreme Court of this province: *And be it further enacted*, That the Governour and Councell be the said Court of Chancery, and hold and keep the said Court, and that the Governour may depute or nominate in his steade a Chancellor, and be assisted with such other persons as shall by him be thought fitt and convenient, together with all necessary clerks and other officers, as to the said Court are needfull: *Provided always, and bee itt further enacted by the authority aforesaid*, Thatt any inhabitant, planter, or fireholder within this province, may have liberty, if hee or they seem meet, to make his or their appeale, or appeales from any judgment or decree obtained against him or them in the High Court of Chancery, or any of the Courts of Oyer and Terminer and General Gaol Delivery, to our Sovereign Lord the King, as in the letters patent to his Royall Highnesse, is inserted.

Provided always, and bee itt enacted by the authority aforesaid, That the party or parties not appearing, shall pay all cost of such decree or judgment from which the appeal arises; and also all debts, costs, and damages, adjudged against him or them in any other suit or suits, action or actions within this province, and give in two sufficient suretys by recognizance, double the value of the debt, matter, or thing recovered or obtained by judgment or decree against him or them to the said Court for presenting the said appeale or appeales here made, and to pay all costs, damages, and charges, if cast upon the said appeale or appeales with effect, and make returne thereof within the said twelve months, then execution to issue out against the appellent or his suretys, for the debt, damages, matter or thing recovered against him, and all costs of suite occasioned by such appeale: *Provided al-*

days, and bee itt further enacted by the authority aforesaid, That no appeale shall by ***** † or amount to the sum of one hundred pounds, any thing to the contrary hereof in any wise notwithstanding.

The Representatives have assented to this bill, and order it to be sent up to the Governour and Council for their assent.

M. NICOLLS, Speaker.

New-York, October 29, 1683.

† *Hiatus in M. S.*

No. V.

An Ordinance of his Excellency and Council for establishing Courts of Judicature, for the Ease and Benefit of each respective City, Town and County within this Province of New-York.

WHEREAS his most sacred Majesty by his royal letters patent, bearing date the 18th day of June, in the ninth year of his Majesties reign, did among other things therein mentioned, give and grant unto his Excellency Richard Earl of Bellmont, Captain General and Governour in chief over the province of New-York, &c. full power and authority, with the advice and consent of his Majesties council for this province, to erect, constitute, and establish such and so many courts of judicature and publick justice within the said province and territories depending thereon, as his said Excellency and Council shall think fit and necessary, for the hearing and determining of all causes, as well criminal as civil, according to law and equity, and for awarding execution thereupon, with all reasonable and necessary powers, authorities, fees and Priviledges belonging to them. *His said Excellency the Governour, by and with the advice and consent of his Majesties said Council, by virtue of the powers and authorities derived unto them, by his said Majesties letters patents, does by these presents ordain, and it is hereby ordained by the authority aforesaid, That every justice of the peace that resides within any town or country within this province, are by these presents fully impowered and authorized to have cognizance of all causes and cases of debt and trespasses to the value of forty shillings, or under; which causes or cases shall and may be heard, tried and finally determined, without a jury, by every justice of the peace residing as aforesaid, he taking to his assistance, at the time of hearing and determining such causes and cases of debt and trespasses to the value aforesaid, one of the freeholders of the town or place next to where the cause or action doth arise. The process of warning shall be by summons under the hand of the justice, directed to the constable of the town or precinct, or to any deputed by him, where the party complained against does live or reside. Which summons being personally served or left at the defendant's house or place of his abode, two days before the hearing of the plaint, shall be sufficient authority for and to the said justice, assisted as aforesaid, to proceed to hear such cause or causes, and to determine the same in the defendant's absence, and to grant execution thereupon against the defendant's person, or for want thereof, his goods and chattels, which the constable or his deputy of that town or precinct shall and may serve.*

And his said Excellency and Council do by these presents further ordain, That there shall be kept and holden a Court of Common Pleas in each respective county within this province, which shall be holden in each respective county, at such places in each respective county as the general sessions are usually held and kept, and to begin the next day after the sessions of the peace does end and terminate, and then only to hold and continue for the space and term of two days, and no longer. And that the several and respective Courts of Pleas hereby established, shall have power and jurisdiction to hear, try and finally to determine all actions or causes of action, and all matters and things tryable at common law, of what nature or kind soever.

Provided always, and it is hereby ordained, That there may and shall be an appeal or removal by habeas corpus, or any other lawful writ of any person or of any action or suit depending, and of any judgment or execution that shall be determined in.

the said respective Courts of Pleas upwards of twenty pounds, and of any action or suit wherein the right or title of any freehold shall be brought in dispute or upon trial.

And be it further ordained by the authority aforesaid, That there shall be held and kept at the city of New-York, a Supreme Court of Judicature, which Supreme Court is hereby fully impowered to have cognizance of all pleas civil, criminal and mixt, as fully and amply to all intents and purposes whatsoever, as the Courts of King's Bench, Common Pleas and Exchequer, within his Majesties kingdom of England, have or ought to have, in and to which Supreme Court all and every person and persons whatsoever shall or may, if they see meet, commence any action or suit, the debt or damage laid in such action or suit being upwards of twenty pounds, and shall and may by *certiorari*, *habeas corpus*, or any other lawful writ, remove out of any of the respective courts of mayors and aldermen, sessions of the peace or common pleas, any information or indictment there depending, or judgment thereupon given, or to be given in any criminal matter whatsoever cognizable before them, or any of them; as also all actions, pleas, and suits, real, personal or mixt, depending in any of the said courts, and all judgments thereupon given, or to be given. *Provided always,* That the action or suit depending or judgment given, be upwards of the value of twenty pounds, or that the action or suit there depending or determined, be concerning the right or title of any freehold.

And out of the office of which Supreme Court at New-York aforesaid, all process shall issue out under the test of the Chief Justice of the said Court, and to which office all returns shall be made; which Supreme Court shall be holden at the city of New-York on the first Tuesday in April, and on the first Tuesday of October, annually, and every year; and each sessions of the said Court shall only continue for the space of five days, and no longer.

And one of the Justices of the said Supreme Court shall annually, or once in every year, if need shall so require, go the circuit and hold and keep the said Supreme Court for the city and county of Albany, at Albany, on the first Tuesday in May; for Ulster and Dutchess county on the third Tuesday in May; for the county of West-Chester, the last Tuesday in June; for King's county, the first Tuesday in August; for Queen's county, the second Tuesday in August; for the county of Suffolk the third Tuesday in August; for the county of Richmond, the second Tuesday in June. Which justice, when he goes the circuit, shall in each respective county be attended with two or more of the justices of the peace, at least, during the time of two days, whilst the said Court, in the Circuit, is sitting, and no longer.

And it is further ordained by the authority aforesaid, That all and every of the Justices or Judges of the several Courts afore-mentioned, be and are hereby sufficiently impowered and authorized to make, ordain and establish, all such rules and orders for the more regular practising and proceeding in the said Courts, as fully and amply to all intents and purposes whatsoever, as all or any of the judges of the several courts of King's Bench, Common Pleas and Exchequer in England legally do.

And it is further ordained by the authority aforesaid, That no persons right or property shall be by any of the aforesaid courts determined, except where matters of fact are either acknowledged by the parties, of judgment confessed, or passeth by the defendant's fault, for want or plea or answer, unless the fact be found by the verdict of twelve men of the neighbourhood, as it ought to be done by the law.

And be it further ordained by the authority aforesaid, That the general sessions of the peace shall be held in each respective city and county within this province at the times and places hereafter mentioned, that is to say, For the city and county of New-York, at the city-hall of the said city, four general sessions of the peace annually and every year, upon the first Tuesday of May, the first Tuesday of August, the first Tuesday of November, and the first Tuesday of February. For the city and county of Albany, three general sessions of the peace at the city hall of the said city, annually, and every year on the first Tuesday of June, October and February. For the county of Westchester, two general sessions of the peace, annually, and every year at Westchester on the first Tuesday of June and December. For Ulster and Dutchess county, two general sessions of the peace annually and every year, at Kingston, on the first Tuesday of March and September. For the county of Richmond two general sessions of the peace annually and every year, on the first Tuesday of March and September. For King's county two general sessions of the peace, annually and every year, at Flatbush, on the second Tuesday in May and

November. For Queen's county two general sessions of the peace, annually and every year, at Jamaica, on the third Tuesday of May and September. For the county of Suffolk, two general sessions of the peace, annually and every year, at Southampton, on the last Tuesday in March, and at Southold, on the last Tuesday of September. Which general sessions of the peace in each respective city and county aforesaid, shall only hold and continue for the space and term of two days, and no longer.

Always provided, and be it further ordained by the authority aforesaid, That nothing herein contained shall be construed to infringe upon the rights and privileges of the respective Courts of Mayors and Aldermen of the city of New-York and Albany, but that they and each of them may hold and keep their respective Courts of Mayor and Aldermen after such manner and form as they are accustomed to do, and to hear and determine all matters brought before them, as formerly accustomed, any thing to the contrary hereof in any wise notwithstanding. In testimony whereof his Excellency and Council have caused the great seal of this province to be hereunto annexed, at New-York, this fifteenth day of May, in the eleventh year of the reign of our Sovereign Lord William the Third, by the grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c.

Pursuant to an order of Council, we do report this to be a proper scheme for erecting the Courts of Judicature of this province, which is humbly submitted,

W. SMITH,
JOHN GUEST,
JA. GRAHAM:

No. VI.

An Ordinance for the further establishing the Supream Court of Judicature, &c.

WHEREAS her most sacred Majesty, by her royal letters patent under the great seal of England, bearing date at Westminster the fifth day of December, A. D. 1702, and in the first year of her said Majesties reign, hath (*inter-alia*) given and granted unto his Excellency Edward Viscount CORNBURY, her captain general and governour in chief in and over her province of New-York and territories depending thereon in America, and vice-admiral of the same, &c. full power and authority, with the advice and consent of her Majesties Council for the said province, to erect, constitute, and establish such and so many Courts of Judicature and publick justice within the said province and territories depending thereon, as his said Excellency and Council shall think fit and necessary, for the hearing and determining of all causes, as well criminal as civil, according to law and equity, and for awarding of execution thereupon, with all reasonable and necessary powers, authorities, fees and privileges belonging unto them.

His said Excellency and Council taking into their serious consideration, that the times limited and appointed in the ordinance bearing date the fifteenth day of May, in the eleventh year of the reign of his late Majesty, King William the third, of glorious memory, for the meeting and sitting of the Supream Court of Judicature of this province, are so seldom and of so short a continuance, that the actions and suits brought, commenced and depending in the said Court, cannot be finished, nor put an end to and determined, but at great expence, both of moneys and of time, for want of more frequent sittings of the said Court, and oftner returns of writs therein.

And it being for the honour and dignity of the crown, as well as for the ease and benefit of the subject, that all such causes and suits as are now depending, or shall be hereafter brought or commenced in the said Supream Court of Judicature, be brought to as speedy a determination as reasonably may be, his said Excellency the Governour, by and with the advice and consent of her Majesties said Council, hath

thought fit (by virtue of the said power and authority unto him given, in and by her said Majesties letters patents aforesaid) to publish, ordaine and declare, That the Supream Court of Judicature for the province of New-York aforesaid, shall be yearly holden and kept at the city of New-York (or at such other place or places within the said province, as his said Excellency the Governour, by advice of her Majesties council aforesaid, shall by proclamation, to be issued by the space of twenty days at the least, before the holding of the said Court, nominate and appoint, after the end and determination of the next ensuing term or sessions of the said Supream Court in this present moneth of April, which is to be held for this time at the city of New-York, as formerly hath been used) at and upon the several days and times following, and no others, that is to say, upon the first Tuesday in June, on the first Tuesday in September, on the second Tuesday in October, and on the second Tuesday in March in every year; and that each term or sessions of the said Supream Court shall continue only for the space of five days, and no longer, and have two days of returns of writs and appearances, viz. the first, and last but one, of each term or session aforesaid.

And it is hereby also further ordered, directed, and appointed by his said Excellency, by and with the advice and consent of her Majesties Council aforesaid, That the said Supreme Court, by these presents appointed and established, or mentioned to be established in manner aforesaid, and the respective Judges and Justices thereof, for the time being, and to come, shall have and be invested with, and by these presents have, and are invested with full and ample powers and authorities to have and take cognizance of all pleas and causes, civil, criminal and mixt, and to hear, try and determine the same, as fully and absolutely, to all intents and purposes, as her Majesties Court of Queen's Bench, Common Pleas and Exchequer; in her Majesties kingdom of England, and every of them, and the respective Judges thereof or therein have or ought to have.

Given by his Excellency Edward Viscount Cornbury, Captain General and Governor in Chief in and over the province of New-York, Province of New-Jersey, and territories depending thereon in America, and Vice-Admiral of the same, &c. in council, at Fort Anne, in New-York, this third day of April, A. D. 1704, and in the third year of the reign of our Sovereign Lady Anne, by the grace of God, of England, Scotland, France and Ireland, Queen, Defender of the Faith, &c.

By order of his Excellency in council,
CORNBURY.

B. Cosens, Cl. Concilij.

N^o. VII.

An Ordinance of his Excellency Edward Viscount Cornbury, Captain General and Governour in Chief of the Provinces of New-York, New-Jersey, and territories depending thereon in America, and Vice-Admiral of the same, &c. in Council.

WHEREAS the High Court of Chancery, held within the province of New-York, by an ordinance of his said Excellency in Council, bearing date the 13th day of June, A. D. 1702, hath been suspended until his said Excellency, with the advice of her Majestys Council, should appoint and determine such regulations of fees, and proceedings therein, as should be most agreeable to justice and equity; by which ordinance the chief Justice and second Justice of the said province were ordered duly to consider of such method as would render the said Court most useful

and least burdensome to the subject, and to lay before his Excellency in Council, for their approbation, such a Table of Fees as would be just and reasonable to be allowed to the said Court.

And whereas the chief Justice and second Justice aforesaid, in obedience to the said ordinance, on the 25th day of February last past, did make their report to his Excellency in Council, and then laid before his said Excellency a Table of Fees, by them made and moderated, and thought fit and reasonable to be taken and allowed in the High Court of Chancery aforesaid, in the Proceedings and Business of the said Court, his said Excellency the Governour, by and with the advice and consent of her Majesty's Council for the province of New-York, in pursuance of the power and authority to him given by her Majestys letters patent under the great seal of England, for the erecting and establishing Courts of Judicature and Fees thereof within the said province of New-York, hath thought fit to ordain, declare and appoint, and doth hereby ordain, declare and appoint, that the said High Court of Chancery and proceedings therein, by the said ordinance, bearing date the 13th day of June, 1702, suspended as aforesaid, shall from henceforth be again revived and re-established, and all suits, process, and proceedings therein, have their due and orderly course and progress, according to their method and order of her Majestys High Court of Chancery in the kingdom of England, notwithstanding the said order of suspension of the same, or any thing therein contained to the contrary hereof, the said order being hereby wholly annulled and made void, as if the same had never been had or made.

And his said Excellency the Governour, by and with the advice and consent of her Majesty's Council aforesaid, doth also think fit hereby to ordain, declare and appoint, That the several and respective officers and ministers of the said high Court of Chancery, shall and may have, take and receive, in the room and place of the fees formerly taken and received by them, the several and respective fees herein underwritten, and not otherwise for such matters and things as shall be done by them in their several and respective offices in the said Court, that is to say :

[Here follows the fee-bill.]

And his Excellency the governor aforesaid, by and with the advice and consent of her majesties council aforesaid, does hereby further order and appoint, That all persons having any thing to do at the *high court of chancery* aforesaid, as well suitors thereto as judges, masters, clerks, and other ministerial officers of the said court, do take notice hereof, and conform themselves accordingly.

Given under the hand and seal at arms of his Excellency Edward Viscount Cornbury, captain general and governor in chief in and over the provinces of New-York, New-Jersey, and the territories depending thereon in America, and vice-admiral of the same, in council, at Fort Anne in New-York, this 7th day of November, Anno Domini 1704, and in the third year of the reign of our sovereign lady Anne, by the grace of God, of England, Scotland, France and Ireland, Queen, defender of the faith, &c.

CORNBURY.

By order of his Excellency in Council,
B. Cosens, Cl. Concilij.

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